

ONLY CORRECT REPORT.

THE
BEAVER LAKE TRAGEDY.

A
FULL AND PARTICULAR ACCOUNT

OF
THE WHOLE PROCEEDINGS

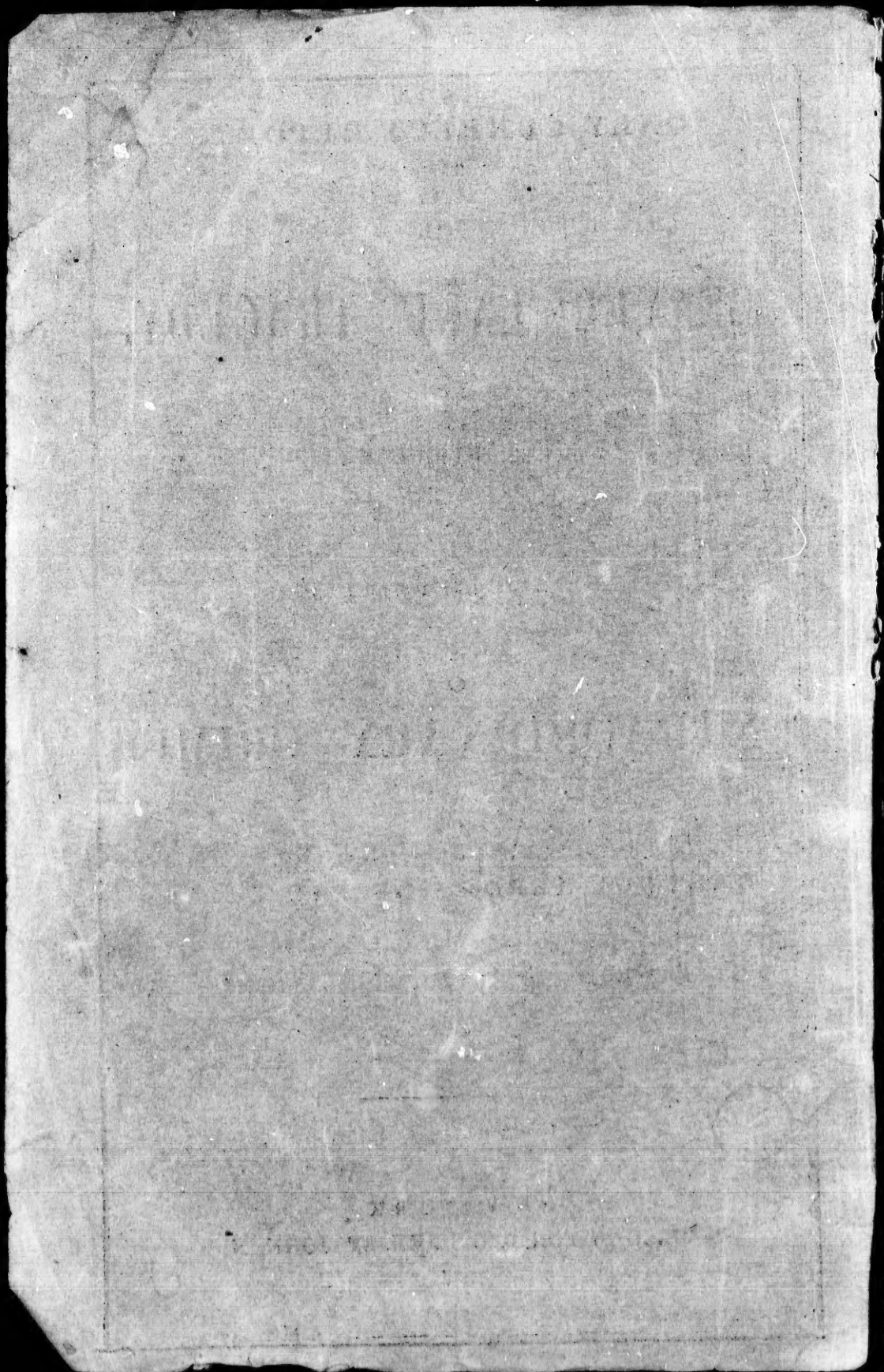
IN THE ABOVE

EXTRAORDINARY CRIMES,

WITH A
CAREFUL REPORT OF THE TRIAL.

Conviction and Sentence of the Accused.

NEW-YORK:
PUBLISHED FOR B. O'BRIEN, ST. JOHN, N. B.
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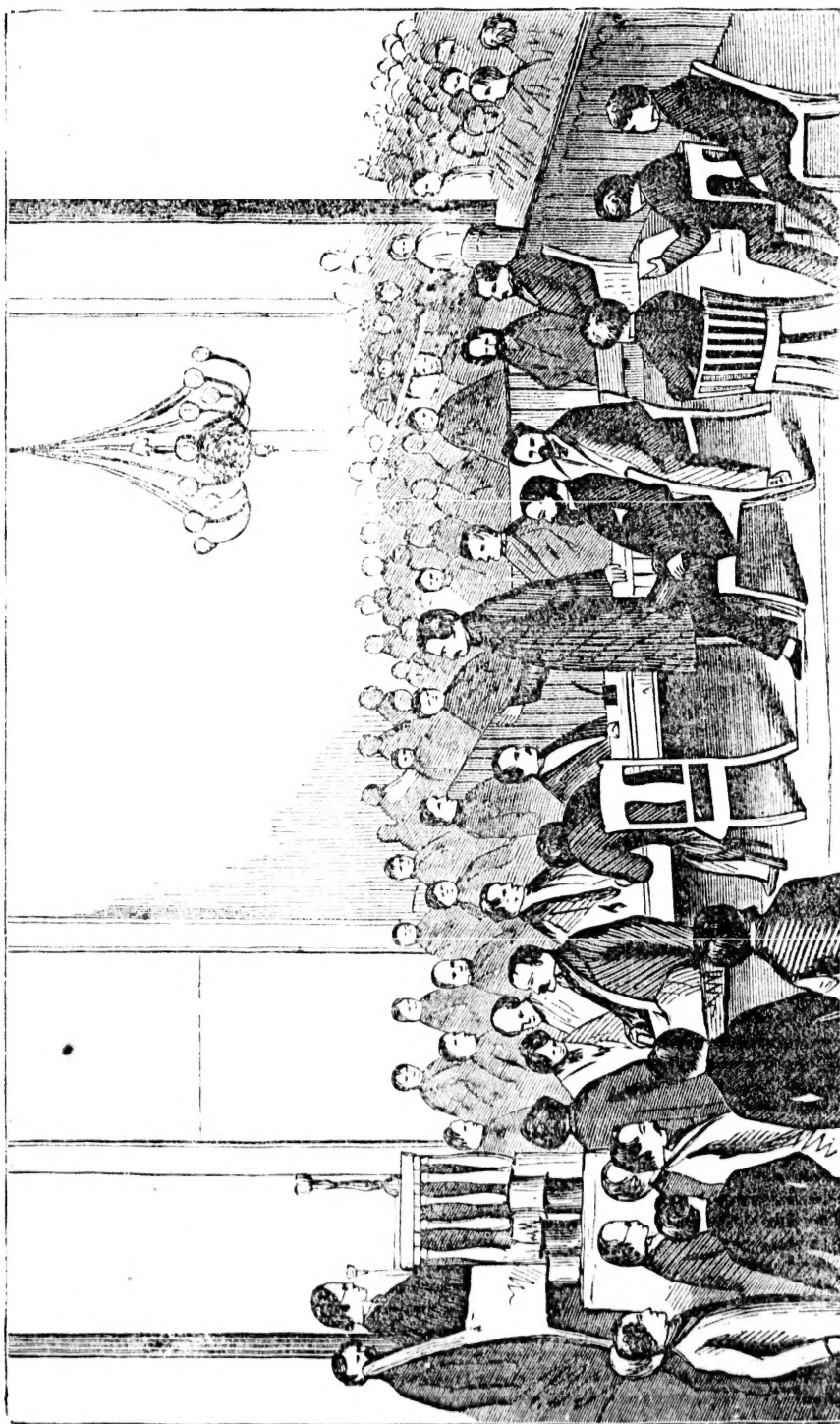
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TRIAL OF PATRICK SLAVIN, JR., FOR THE MURDER OF ROBERT MCKENZIE AND HIS FAMILY.

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THE BEAVER LAKE,

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MISPECK TRAGEDY.

INTRODUCTION

On the night of Saturday, October the 25th, was perpetrated a crime of a diabolical nature such as was never approached in this Province. We have had murders and arsons, but most, if not all, of the former have been caused by heated blood, often by drunkenness, and quarrels arising therefrom. But, we believe, it never has entered the minds of any men in New Brunswick, certainly it has not entered the minds of any New Brunswickers, to murder a man, his wife and his helpless children, in cold, calm, calculating villainy, for the sake of his money, and then to cover the crime, to burn down the murdered man's property, and to destroy in the fire all the corpses of the slain!

On Saturday night then such a crime was committed as never before was heard of in New Brunswick, and such as may parallel the worst murders committed in any part of the world, equalling indeed, in horror, if not in extent, the bloody atrocities of the Indian Sepoys.

Robert McKenzie, the murdered man, was a native of Scotland, who had been domiciled in New Brunswick many years, having carried on the business of a tailor in different parts, latterly in St. John, and from which business he had retired on an ample competency, to a farm at Mispeck which he owned, and which by the expenditure of skill and capital he had brought to a high state of fertility. Surrounded by every necessary comfort, joined to a faithful and attached partner, and blessed with a numerous progeny, Robert McKenzie was in such a position as most tradesmen aspire to, as a happy means of passing the evening of their career. But beside the quiet business of his farm, Mr. McKenzie was also a money lender, and it is said that he made an ostentatious display of his wealth before every one who came to borrow. Be that as it may, it would seem to have required very little to have excited the cupidity of the wretches by whom this poor man's life was taken.

About the last week of October, McKenzie was desirous of getting the assistance of a farm laborer. He had an unoccupied house, which he offered for the use of his laborer, and he likewise offered a certain sum per acre for all the work the laborer performed. Not far from McKenzie's house was the hut of the Slavins, now charged with the murder, and here stayed James Breen, who seemed to have adopted several *aliases*, for what purpose it is not now difficult to understand. Breen was anxious to engage with McKenzie to work on his farm, and it is ascertained that he did so engage with him. Breen was to occupy the empty house, nearly opposite McKenzie's, and he was to bring his wife and family there to live. Whether Breen had a wife and family to bring is doubtful, there is little doubt, however, that he never intended to bring them.

Let us now relate the facts as they came before the police of this city.

The first news arrived early on Monday morning, the 26th October. Vague rumors spread about the city that McKenzie, who was well known here, had cut his throat, and had set fire to his house and therein burned his wife and children. By and bye, however, it began to be reported differently. Circumstances pointed to the fact that murder, most foul murder, had been committed. People went out of town to the scene of the horrid deed, which is distant about eleven miles, and from those who dwelt near, particulars were gathered which fully aroused and alarmed the public mind. Soon no doubt was entertained that a series of diabolical murders had been committed. The manner in which they were discovered was this:

The nearest house to that of McKenzie is that of Peter O'Hara, who resides about half a mile further on the road from the city. About ten minutes before eleven o'clock on

Sunday morning, the 25th of October, he had occasion to pass McKenzie's, and on arriving at the spot he was astounded to find that of the dwelling houses nothing was left but a blackened pile of ashes, from which the fire had so long burned out, that there was scarcely a smouldering left. O'Hara at first thought the family must have been out, or had escaped,—it never entered his mind that they were murdered or burned,—and he went on his way without making any particular examination of the premises, just looking casually over them and determining to get further information at the next house. This house was one mile nearer the city, and is occupied by a man named Robertson. Robertson was as ignorant of the matter as O'Hara had been—he had not seen the flames nor had he heard of McKenzie having been away, or having moved after the fire. He was, in short, perfectly ignorant of the event. O'Hara and Robertson determined at once to go for assistance, to relate the matters to a magistrate, and immediately to commence the first steps of an inquiry into what seemed to them an unfathomable mystery. They went to examine the ruins on their way to the nearest magistrate.

It may here be necessary to explain the position of the premises. The house occupied by McKenzie is on the south side of the road; that which Breen was to occupy was a little nearer the city, on the north side of the road. Immediately opposite McKenzie's house was a barn, and in the rear was another barn. Both these barns were uninjured, while both houses were burned to the ground. It was clear, therefore, that one house had not caught fire from the other, or the barn in front of McKenzie's would have been burned. O'Hara and Robertson entered the ruins of McKenzie's house, and there they found his money-chest unlocked, empty, and the key in it. It was clear that he had been robbed, or rather that seemed probable. They then went on to the residence of the nearest magistrate, William Hawks, Esq., of Black River, and finding him at home, they returned together to McKenzie's. Now they instituted a more particular search among the ruins of McKenzie's dwelling house, and they found on the spot where the kitchen had been, near the fire-place, the charred remains of bones, which they supposed were those of McKenzie's wife and children, but the quantity of these remains was so small that it was difficult to determine whether they were male or female bones, or whether they were those of grown persons or children. They now passed over to the other house, and on searching this they found part of a body, which, from the buttons and a brace-buckle found near, was supposed to be that of McKenzie. Nothing was left but the blackened remains of the trunk and part of the thighs. It was headless, had no arms, and from its appearance might easily, in other circumstances, causing less minute inspection, have been taken for a log of charred wood.

At the time this examination was concluded, it was after four o'clock. The examiners were, in all probability, bewildered with horror, excited by the awful visitation which had fallen on McKenzie and his family. It was difficult to tell whether all might not be the result of accident rather than crime. The circumstances of the crime were entirely novel to the simple country people of the district, and prompt action under the appalling circumstances was hardly to be expected from them, though for the furtherance of the ends of justice it was desirable, and might have been necessary.

All parties returned to their homes, and it was not till next day, (Monday,) that the magistrate and those who had interested themselves in the matter, came to St. John and communicated the details of the horrid affair to the authorities here.

The proceedings subsequent to this stage have been chiefly of a judicial nature.

On Tuesday, the Coroner, with a jury, assembled on the premises at Mispeck, to view the remains, to examine the spot where the murders were perpetrated, and to examine witnesses. Throughout these proceedings, however, the press was not permitted to take notes of the evidence, or of any particulars which came before the Coroner. By the public all this precaution was, of course, deemed excessively absurd, the more so because the Coroner permitted any one to hear the evidence, and to carry away details to suspected parties, and in short, he sat in open court. The daily press animadverted on this subject at the time, but, for what reason we know not, with much less than its wonted severity in a matter so obviously detrimental to the ends of public justice.

The evidence which was taken on Tuesday was repeated in all its essential peculiarities on Wednesday and the two following days, and in substance it was pretty much as follows:

Mrs. SLAVEN, the wife of one of the parties, since accused of the murder, was captured on Monday evening by Captain Schoular, Chief of the City Police, in consequence of a suspicion he entertained that her family were connected with the matter, owing to all the male members of it having withdrawn from the neighborhood, and their whereabouts not being known. Mrs. Slaven is a tall, thin woman, not in any wise of remarkable personal appearance. She is an Irish woman. At the inquest she spoke leisurely, and as if carefully weighing the consequence of every word; and it was with much difficulty she was got to answer the questions of the Coroner.

Mrs. Slavin, then, under the greatest possible pressure was induced or compelled to say that a man named Breen or Green, whom her husband had met at the water works, and with whom he had worked on the Railway, but had never known previously, had been stopping for some time at her house. (She gave a description of him, which corresponded with that given of a man called Williams, who was already suspected of the murders or having a hand in them.) He stopped there in all about fifteen nights, but he had not been there for ten days before last Sunday morning, when he came there for a shirt of his, she had to wash. He got there between seven and eight o'clock, and said he had walked out from town. He did not look soiled or dirty, and she never saw any mark of blood on his clothes. He put on the shirt—a white one—the shirt he wore before was stripped. He said nothing of the fire at McKenzie's, or of the murder. Breen took his breakfast there, and left soon after, and she had seen nothing of him since. He said he was going to Boston, or to Woodstock, where his brother lives. She swore positively he was not there during the week before. She often heard it said, for many a year past, that McKenzie had money. She one day heard his man Polly, who has gone away, tell Breen in King Square, that he had £30,000, but that he kept none in the house but enough to pay his men. On Monday morning, after breakfast, she left home for the city, leaving all her family at home, and she did not know what became of them since. She told Mr. Scoullar that she had seen her husband on King Square, but that was not true. She could prove the time she came to town, and that she borrowed an umbrella on the road. She protested that she knew nothing of the fire at McKenzie's, or of the fate of the family, nor could she tell where her husband and son were. When pressed on this point, her firmness forsook her, and she cried a little, and just at this time her second son was brought into court to give evidence. On seeing him unexpectedly she cried piteously, exclaiming, while the officers removed her, "Oh! Johnny, Johnny, you won't hang your poor father."

The boy, John Slavin, to whom the mother referred, is twelve years old, and his replies were given in a quick off-hand manner not common at his years. He stated his own age to be ten. On the Monday before the Inquest when Mr. Scoullar went to gather information at the place of the murders, this boy told him his name was Dunn. He said his father had told him to do so. He knew Hugh Breen. His father and mother had known him in the old country. He described his dress and appearance. He said he was staying at their house for five weeks, and was there every night last week, but Thursday night (the night Williams slept at McKenzie's). On Saturday morning he heard Breen (who, he said, was sometimes called William James) and his father and brother speaking of McKenzie, and what lots of money he had. After breakfast Breen, his father, and his brother Pat, all left (they said) for town. They did not return until after night; he thought about two hours after night. He had been asleep, and awoke when they came in. They had a bag about the size of a flour bag. They threw it on the floor, and it made some noise. He thought there were clothes in it. They talked in whispers, he said, and he could not hear what they said. His mother, who had been in bed, got up and got them some supper. The men all washed their hands and went to supper. The bedroom door was open but he could not see all that was done. He saw a long purse with steel beads in Breen's hands, and heard him say how heavy it was, and he saw a watch, that looked yellow, in his hand, but no chain. When pressed hard, he said that he once heard Breen say they had a lot of money. Next morning they took out the bag. After breakfast they went out again into the bushes, near the house, and as he went out to mind the cow he watched them, and saw Breen hold a pocket-book full of gold and notes open. That evening Breen went into town and went out again on Monday morning early; Breen said he had been down to Knox's and told that McKenzie's house was burned.

After breakfast on Monday the three went into the bushes opposite the house, and in the course of the day he went out where they had made a camp, about a quarter or half a mile from the house. They told him to go home again. They did not come to the house afterwards, and he did not see them, only he saw Pat early on Tuesday morning, when he came to milk the cows. He stayed there all day, preparing his own food, and slept there that night, and next day he came into town to a friend's named Carrol, where the policeman found him.

Mr. Maguire, living near the Marsh Bridge, appeared to state that a man answering the description of Breen called at his shop on Sunday evening, and had such a large purse as the boy described, and appeared to have a great deal of money.

Mr. Ramsay, living near the Valley Church, said that Breen came to his house about ten on Sunday night, and slept there, leaving about six in the morning.

On Thursday, John Dunn was again brought up, and gave exactly the same evidence not contradicting the previous statement in the slightest particular.

Mrs. Slavin was again brought up, and she adhered to her story, declaring positively that Breen was not at her house on Saturday night or any night during the week, and that he was not there on Monday morning. She gave some particulars as to the time she was in the country. She said that none of the family had been in a house of worship for many years. On this occasion she did not appear as indifferent as on Wednesday.

A man (named Quinn, we believe,) came forward to state that on Sunday, as he was passing near Slavin's, he saw Pat and John together on the road, playing with a piece of money. Pat showed it to him, and asked what it was, and he told him it was a sovereign. Pat then offered it to him to have a spree, telling him he had more money than he ever had. The man refused it, telling the lad he had no right to it. Pat asked him if he had heard that McKenzie's place was burned, and he said he had not. He went on, and after he passed on a short way, he turned back and saw Pat take some out of his pocket—about five sovereigns.

John was again brought up and asked if he had seen this man. He said he had on Sunday. He was then told what the man had stated, and asked why he had not spoken of this, and he said he had not been asked about it. He was then told that he must tell the whole truth, and he then told that on Saturday night when the three men came in he sat up in the settle bed where he slept, and heard them speak of the murder and their booty, and how Breen had killed McKenzie with four blows of an axe, and they put him in a corner. Breen then killed Mrs. McKenzie with the axe, and "cut the children." They dragged these bodies together, and then set fire to the house. Pat, he said, held the candle, while his father searched the house, and it was Breen who killed them all. He did not account for McKenzie's being in the other house, and seemed to know nothing about it. The three men examined one another's clothes carefully, to see if there were any signs of blood on them. They said they had a queer lot of money and a queer lot of clothes. They divided fifty sovereigns that night. There was some butter in the bag also.

(This, we believe, is the substance of what the boy said on this occasion.)

On Thursday evening two men named Hagarty, father and son, were arrested by Capt. Scoullar, at the head of Loch Lomond, and brought into the city, and on Friday they were examined.

Bernard Hagarty, the son, stated that he is nephew to Slavin, and that he last saw the two Slavins and Breen on Thursday morning near his father's house. On Tuesday morning, before day, the three came to the house and woke them up. They told them that McKenzie's house had been burned, and the family murdered, that they were afraid suspicion rested on them, and they wished to conceal themselves. They said they were not guilty. They got their breakfast and stayed about two hours, until about sunrise. They appeared to be very anxious to get away. They said they would go by way of Sussex Vale to the Bend, and from that to the United States. He described how they were dressed. The elder Slavin is not tall. He is stout, and his hair is rather grey. He went to town, and called at Slavin's to look after the cow and milk her. He came to town to pay a smith's bill. After some hesitation he admitted that he had got several messages from Slavin. He was to tell Fagan, to whom Slavin owed £3 or £4, to take the cow. He was to tell the Carrol's if the children came to them not to send them to the Poor House. He was to learn the news, and Slavin gave him two pieces of cloth, remnants, to get a trowsers made by the young women Carrols. All these messages he executed, and he spent the greater part of the day at the Carrols. He told them who the trowsers were for, etc. He put up his horse at Etchingham's. The trowsers were made in the course of the day, and he sent them home by a boy living near his place. He heard that Mrs. Slavin was arrested. There was no confusion in his statement here; but it would appear that it was Thursday morning when next he saw the men in the rude camp in the woods near his father's house. It was about half a mile from the house near the shore of the upper lake. He told them that the old woman was arrested, and that they were suspected of the murder. They said they were innocent, and he told them if they were they had better come forward and show themselves than be out there all wet and wretched as they were. He took them a piece of bread, about two or three pounds, but no milk or tea. He promised to be with them in the evening. They said they would stay there some days and then go to the Bend. He was arrested before evening. He did not send word to them, and could not tell if they were there still. He saw no money with them, and got none to bring to town. He did not tell those who arrested him that the parties were close by in the woods. He thought it time enough to tell when he was on his oath and obliged to tell. He did not want to have two or three stories of what he had to say. He would not come there if he could help it, or tell on his own. He meant to tell the truth.

This witness wore a pair of pants much too large, and they were examined minutely. He said Breen never owned or had worn them.

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Mary Carrol was brought up, and at first denied positively that she knew who the trowsers were for. She thought they were for Hagarty or his father. At last she admitted that she was told they were for old Slavin. She said McCallaghen, a tailor, cut them out for her.

McCallaghen was sent for and produced some pieces of cloth left from the trowsers, and Mr. Gilmour's shop-man proved that some time ago McKenzie bought at Mr. Gilmour's two remnants of precisely such cloth. It was such as the two Hagarty's described it.

The elder Hagarty stated that on Monday night late, the three came to his house and woke him up. He is married to Slavin's sister. The large man he did not know. He had never seen him before, and they did not call him by any name.

Slavin told him that McKenzie's house had been burned and the family killed, and that he was afraid they would be suspected for it, as he had had an attachment out for a man named Gordon, and had been down there to have him arrested. McKenzie, he said, hid Gordon, and he could not find him, and he was to and fro about it, and the other man had worked with McKenzie and had come to the place after the burning, and he was afraid they would be suspected, and they thought it better to keep out of the way. The big man said he wished to God he was out of the country. It was a hard thing that he should be suspected because he had hired with McKenzie. They said nothing of having killed McKenzie, or set fire to the house. Slavin was dressed in a light blue twill trowsers, and he gave the son of witness a piece of cloth, to get made up for him.

After they got some breakfast they went out, he could not tell where. His son went out with them. He knew no more of them for a day or two, as he was from home at shoemaker's work at Cane's. On Thursday morning he went down where his children told him they were encamped, and he called Slavin and Slavin came to him, and he told him that his wife was arrested. He got so full at the idea that they were on their banishment on such a charge, that he could say no more and turned away. On Saturday night his son saw the fire about 10 o'clock, and thought it was some slabs burning at a mill in that direction.

He was closely examined by some of the Jury as to any efforts on his part to get them away, or to get them a boat, but he denied that he had done anything of the kind.

The tailor Callaghen and Mr. Gilmour's man were not examined until after old Hagarty's evidence was given.

The case closed very unexpectedly on Friday evening, 30th Oct., and the Jury, after a brief consultation, returned a verdict of WILFUL MURDER AGAINST HUGH BREEN, PATRICK SLAVIN, Senior, and PATRICK SLAVIN, Junior.

ARREST OF THE ACCUSED.

As soon as the younger Hagarty's evidence was heard, it was determined to make another effort for the arrest of the parties immediately, and Capt. Scoullar with two policemen, accompanied by Messrs. James and George Stockford, and some others, at once started for Hagarty's house, taking young Hagarty with them, to show the place where the parties had encamped.

The place is about sixteen miles from the city, and on the way they were joined by some people of the neighborhood. Policeman Marshall was put to guard the house of Hagarty and prevent any chance of an alarm being made. With a reluctance not unnatural, young Hagarty guided them to the place, and they had approached within a few feet before those whom they sought took the alarm. Then Breen and the elder Slavin rushed out and were seized by Policeman Dobson, who led the van, and Mr. Scoullar. They offered no resistance, and though Breen is a very stout, powerful man, they were scarcely able to offer any resistance, so broken down were they by exposure to the weather, want of food, &c. The boy Slavin escaped at the back of the little hut and ran some distance, but a threat of shooting him or his father brought him back, and his father called on him to surrender. Breen said he surrendered, and demeaned himself very quietly.

In the camp were found some blankets, an axe, and a shovel. These were brought in. It is said that the prisoners heard nothing of the Hagartys until an hour or two before their own arrest, when some of the family told them, and they were prepared to leave the place as soon as night fall.

The elder Slavin was brought in by George Stockford and some others of the party about eight o'clock, and the news of the capture caused intense excitement in the city. It was some time after when the others arrived. These showed the place, in a cedar swamp about half a mile from Slavin's house, where they had concealed a valise and bag, and these were brought in, but not yet opened. No money, we believe, was found on the men. All three were lodged in the Watch House.

CIRCUIT COURT.

THE BEAVER LAKE TRAGEDY.

FULL REPORT OF THE WHOLE PROCEEDINGS!!

**PATRICK SLAVIN, SENR., AND HUGH BREEN,
PLEAD GUILTY!**

TRIAL OF PATRICK SLAVIN, JR.

Arraignment of the Prisoners.--Breen Pleads Guilty.

On Thursday afternoon the Grand Jury found true bills against Hugh Breen, Patrick Slavin, Sr., and Patrick Slavin, Jr., charged with the murder of Robert McKenzie and his family.

On Friday morning the three prisoners were brought into court and arraigned. It was the first time they had met since they were committed to prison. They looked less wretched than when arrested, as they were clean and comfortably clad; but Breen looked quite prostrate. Old Slavin looked much more hardened; while the boy seemed reckless or insensible to his position as ever.

The indictment having been read, Breen was asked whether he was guilty or not, and without hesitation answered GUILTY. He was then warned by the Court of the effect of such a plea, viz., that it would place him in the same position as if convicted by a jury, and he was then told he might withdraw the plea of guilty, if he chose; but he refused to withdraw it.

The question being put to old Slavin, he wriggled for some time, moving his body up and down. His reply was, "I could not say that I am clear of it." It was explained to him that this was not sufficient, the law required a plea of Guilty or Not Guilty, but no other answer could be got from him, and therefore a plea of Not Guilty was recorded. He was asked if he wished to have Counsel assigned him. He said he did not want any.

The younger Slavin pleaded Not Guilty. The Court assigned him Mr. D. S. Kerr, as Counsel.

Mr. Kerr made some objection. He said an unpleasant rumor had gone abroad that he had been employed by the prisoners, and he was afraid if he now appeared as their Counsel it would give color to the report.

The Court thought this was not sufficient reason why Mr. Kerr should decline. Mr. Wetmore was assigned as Counsel to assist Mr. Kerr in defending the younger Slavin.

When the plea of Not Guilty was entered for the Slavins, Breen was again asked if he did not wish to withdraw his plea, and plead not guilty; but he still persisted in pleading guilty.

On motion of the Attorney General, Tuesday next was appointed for the trial of the two Slavins.

On Wednesday evening Mr. Scoullar and a party of men went to the place where Breen and the Slavins encamped, and instituted a close search of all the ground surrounding the encampment. The search was continued until Friday. Breen told where the watch and other property were concealed. We believe the search was partially successful.

Patrick Slavin, Sr., Arraigned and Pleads Guilty.

At one o'clock on Monday the Attorney General moved that Patrick Slavin, Sr., be arraigned on two indictments, found against him by the Grand Jury—one for the murder of Mrs. McKenzie, the other for the murder of a male child, (name unknown) offspring of Robert and Effie McKenzie.

By direction of his Honor, Judge Parker, the old man was then brought in and placed in the dock. He wore a most extraordinary expression of countenance, as if gazing intently on vacancy until his eyes appeared glazed. To the spectators he seemed dogged and obstinate, and it was with feelings of the utmost amazement they heard him plead guilty.

The clerk read the first indictment in a loud voice. It set forth that on the night of October 24th, the prisoner had killed one Effie McKenzie, or Reed, or Mrs. McKenzie, by striking her with an axe a blow between the shoulders, and several other blows, one of which proved fatal, &c.

When asked if he were guilty or not, the prisoner's countenance flushed, and he hesitated for a moment; then clearing his throat he answered with a strong, clear voice, and apparently with little effort,

GUILTY!

A thrill ran through those present, and for some time the silence was unbroken. Then the Judge asked the prisoner if he understood what had been said to him.

He said he did, and that he was GUILTY.

The Judge again asked him if he understood the nature and consequence of this plea, and that it placed him in the same position as if he had been tried and found guilty by a Jury.

The prisoner said he did; he was Guilty.

The Judge then asked him if he should direct the plea of Guilty to be recorded.

The prisoner, evidently not understanding this, was silent.

The Judge again asked him if he should direct the plea of Guilty to be entered.

The prisoner said, "I am GUILTY, that is all I have to say about it, and I'm satisfied to die for it. I'm reconciled."

The plea of Guilty was then recorded.

The indictment charging him with the murder of the male child, offspring of Robert and Effie McKenzie, was then read, and when he was called on to plead to this we thought we saw him tremble a little; but he again answered in a loud firm voice—"I'M GUILTY," and he added—"this was the only one I done by myself."

He was then removed in the custody of the constables, and walked out with a firm step.

Every one present seemed horror struck at this confession of crimes so awful.

MORE OF THE STOLEN PROPERTY RECOVERED.

On Thursday Mr. Scoullar and his party, after a strict search in the neighborhood of the place where the prisoners were arrested, found a trowsers supposed to belong to McKenzie, and tied up in it several articles of clothing. On Friday morning before day they renewed the search by torchlight, and at length found a parcel tied up in an apron. It was concealed under moss, fallen leaves, etc., near one of three dead birch trees, about thirty feet from the camp. In this they found a sock, and in the sock a mitten, and in this, rolled up in a silk handkerchief, the gold watch that has been spoken of and the purse. In the purse were twenty-eight sovereigns and four half sovereigns. This, with the money found near Slavin's and the three sovereigns found on Breen, makes in all eighty-nine and a half sovereigns. The prisoners state that they got no paper money.

On Saturday a hat, supposed to be McKenzie's, was found tied to a tree some distance from Slavin's house. The watch was said to be the property of a Mr. Ross, formerly an engineer on one of the river steamers. He was sent for, and fully identified it as his, which he had given to McKenzie to keep, or as a pledge.

Trial of Patrick Slavin, Jr.—Intense Excitement!

On Tuesday, long before ten o'clock, a large crowd had gathered near the Court House waiting anxiously for the opening of the doors, and meantime detailing and discussing all the reports concerning the massacre, the conduct of the prisoners, &c., that were afloat.

When the doors were opened, a tremendous rush was made and a great portion of the outside stairs gave way. The court room was soon filled to its utmost capacity, and then hundreds after vainly squeezing and struggling for admittance, had to go away. All the approaches and passages were filled, and a great number of persons remained outside the building for hours. The morbid desire to see the criminal prompted hundreds to climb the fences and other places wherever a peep at him as he passed by the back passage from the Court to the gaol could be obtained.

When by great exertions on the part of the officers of the Court order was partially restored, the Jury Panel was called over. The attendance was even larger than during the previous sitting of the Court. The counsel for the defence put to some the question whether they had formed any opinion in this case, and, as may be expected, the answer generally was that they had; but what is stranger still, some said they had not. Others said they had formed no opinion of the guilt of the boy; others that they had formed no opinion that would prevent their doing their duty as jurymen. The Crown counsel maintained that the mere formation of an opinion should not disqualify a juror, and argued that if such objection were admitted it would be impossible to get a jury in such a case. The objection, however, was held to be valid. The same course was pursued when talesmen were called, and several of those stated for themselves that they had formed very decided opinions in the case. Many of the regular panel and talesmen were peremptorily challenged. At length, after about an hour's delay, a jury was empanelled.

The Solicitor General then opened the case. He said they all knew that a frightful tragedy had occurred, and all its details were generally discussed, creating universally feelings of horror and alarm. But he was satisfied that having now taken the oath to find a verdict according to the evidence, they would, as far as possible, divest themselves

of all such feelings, and try this case impartially and fairly. That was what justice demanded of them, what the country expected, and what he on behalf of the crown asked of them. The prisoner at the bar was now placed for trial alone, because the others had pleaded guilty—his father on another indictment—and it was not necessary that they should be tried on this.

Having stated the nature of the charge against the prisoner, the learned Solicitor stated very fully and clearly what evidence they were prepared to offer, to show how the plot had been concocted, matured, and carried into effect, and how discovery followed, and a whole train of circumstances demonstrated the guilt of the murderers. His own declaration would be most important evidence against the prisoner. He then proceeded to say that the prisoner was as guilty, if he went with others to commit a robbery, and to murder should it prove necessary—although he may not actually have killed any one himself, as those who perpetrated the murder. It may be said that they had the life of the prisoner in their hands, but they had also the safety of the public—of life and property in their hands, and should remember that if such deeds could be committed with impunity, no man would be safe—the law would be no protection. He trusted therefore, they would try the prisoner with due regard to law and the evidence, and he felt satisfied that when they heard the evidence he would be justified in asking a verdict at their hands.

Wm. Reed, being duly sworn, said he resides in Carleton, and knew Robert McKenzie, who was married to his sister, and had four children. He lived at Mispeck, in the Parish of Simonds. Saw McKenzie about four weeks previous to the murder, at his own place, about ten miles from the city. The house was a cottage, about fifty feet long by about twenty-five wide, with a hall through the centre. On the other side of the road, about fifteen rods off, was another house, occupied by his servant man. Polley was the last man who lived with him. There was an iron safe in McKenzie's house, kept in his bedroom; never saw it open. Does not know much of his circumstances. Saw money with him often. Was down there on Monday after the fire. Both houses were completely consumed. In the little house, was found the remains of McKenzie, as was supposed; his body from the shoulders to the thighs—the head was gone, the legs were gone, and the arms were off. The trunk was completely cooked up; it was blackened so that you could hardly tell what it was; could identify it as a male, but there were no means of identifying it as McKenzie's body; it lay about the southwest corner of the house, among the ruins. In the ruins of the other house were found a small part of the breast and heart of what seemed to be a woman (head and limbs were all gone); the body of a child was there; legs, head, and arms were all gone. The oldest child was five years old on the third of last September. The youngest child was walking about when he last saw it. There was some flesh on the child's body. When witness went out the remains had been found and placed in the iron chest, which was open, and had the key in the lock. It was about two o'clock. Several of the neighbors were there. Thinks McKenzie's was a mile from the nearest house, which is Robinson's, on this side. Peter O'Hare's was over a mile at the other side.

Knew Mrs. McKenzie to have had a steel bead purse. Thinks he saw the purse produced before in Mrs. McKenzie's possession. (To the Judge.) It is upwards of seven years since he first saw it; did not see it since he left Mispeck house. This looks very like the one she had.

(Carpet Bag produced)—Never saw this before to his knowledge. Was in the house three or four times for the last four years. McKenzie had a watch; did not see the watch since he left him.

Cross-examined by Mr. Wetmore.—Could not tell what the color of the silk of Mrs. McKenzie's purse was.

George Leet, being sworn, said—I live at West Beach. I worked for Mr. R. McKenzie for some time previous to the Saturday before the murder, which was the last day. Was there off and on. I left on the Saturday evening about six o'clock. It was about dusk; saw McKenzie a short time before I left; we had worked together all the afternoon gathering up oats. Saw him last down by the lower barn, which is about one hundred and fifty yards from the lower farm-house. From McKenzie's dwelling house to the barn was about ninety yards.—Except McKenzie's two little boys, no one was with him. Do not remember having seen Mrs. McKenzie on that day. The youngest child seemed to be about a year old. Was not in the habit of going much into McKenzie's house; took my victuals and slept in the small house. Had no communication with the big house. My father's house is said to be five miles from McKenzie's. There was fire in the small house at dinner time, but none that I know of when I left. Called at O'Hare's on my way home. Got home a few minutes after eight o'clock. First heard of the fire on Sunday evening about seven o'clock. Was sent for on Sunday night by Squire Hawks to come into town on Monday morning; came that night as

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far as O'Hare's, and next morning came down to the ruins with a son of O'Hare's. No persons were then at the ruins. Went to Robinson's, and returned to the ruins. Saw the body, supposed to be the body of McKenzie, in the ruins of the lower house. (Witness described what he saw of the remains.) Saw the safe; the key was in it; the lid was closed, but it was not locked. I saw the man called Williams, or McWilliams, on the Monday before the murder on the Bridge below McKenzie's. The Bridge is near the lower house. I have seen the man Breen in gaol, and am satisfied he is the same. I saw him there again on Wednesday, by the lower house. It was the afternoon, and a man, I believe to be Slavin, was with him, and to the best of my opinion the prisoner at the bar was the boy who was with him at the same time. Breen and Slavin were with McKenzie in the small house, and the boy came in. Old Slavin wanted work. I was at my tea. The old man and Williams were by the fire. I had a suspicion of the boy.

Objection taken to his stating what he suspected, or what was done when the boy was not present.

The boy went up the road and came down again. I was looking for Mr. Peacock, who lives about two miles beyond, and he did not seem to know him; afterwards he seemed to know him. Then he went on towards town, and about an hour after returned, and came into the small house without rapping, and set by the fire, with his head down. He said nothing, and did nothing. Breen and the old man were there. I was taking my tea. We were talking together. Do not remember that there was any conversation with the boy. He and the other man did not seem to know each other. After the boy went out, the old man said —

Objection taken to this evidence—not admitted at present.

McKenzie came in. Old Slavin and Breen were there; cannot say if the boy was there.— They remained until it was dark enough to have candles.

Objection taken to evidence of what Breen told witness.

On Thursday Breen came out again in the afternoon, and sawed some wood. He slept with me on Thursday night, and remained until about nine o'clock on Friday morning. He went down to McKenzie's barn in the morning; did not see what he did there. I do not know where he was on Friday night. Never saw him since until yesterday evening, when I saw a man I believe to be him in gaol.

When I went from McKenzie's on Saturday evening, I left the key of the small house under the southwest corner; I did so by direction of Breen.

When the parties left on Wednesday evening, the boy left first, and the two men went away together afterwards. I saw the old Slavin on Thursday evening out there; he helped McKenzie with some oats; did not see the boy there on that day or afterwards. On the Wednesday I asked the boy several questions, and he said he was looking for work, and that he would stop that night probably at Robinson's. Breen said to the boy that was no time of night to speak of what he wanted; if he had told him before he would have spoken to McKenzie to give him work. I am not certain whether it was Breen or Slavin who said this to the boy. On that night took precautions —

(Was not permitted to state what he did.)

I got no money from McKenzie but 3d.

(Several articles were shown to the witness—a frock, a hat, a carpet bag, &c., none of which he could identify. A cap shown was, he said, like one McKenzie wore.)

Cross-examined by Mr. Kerr.—To the best of my opinion, the prisoner, Breen, is the same as the man Williams, or McWilliams, but could not swear positively. Saw old Slavin on the Wednesday and Thursday; did not know his name. Cannot swear for certain that the prisoner is the same man, but to the best of my opinion he is. Will not swear positively that the boy is the same I saw, but I believe he is; to the best of my opinion he is; saw him first on Wednesday going along the road beyond McKenzie's. I was at a distance; afterwards the same person, I believe, returned, and I went out on the road and spoke to him. That evening the boy came into the lower house; the men had been in before; thought the boy was a down-looking boy; cannot say what particular clothes the boy wore. The boy did not remain above half an hour. He went out of the house then, and I did not see him after until yesterday evening.

(Witness described the situation of the houses and barns. One of the barns was almost on the line between the dwelling house and farm house.)

To the Attorney General.—I believe the boy is the same; I spoke to him on that Wednesday. I am not positive that the boy is the same. Cannot say that the man I saw in gaol yesterday (old Slavin) is the same I saw before, but believe he is; I would not swear for certain that he is.

The Attorney General asked, if from what passed at the interview with old Slavin in the gaol, witness was satisfied of his identity, but the question would not be admitted.

John Robinson sworn, and examined by the Solicitor General—I live fifteen miles from the city, on the road beyond McKenzie's; I remember well the night of the burning. I left Jas.

Robinson's about half past six, and passed McKenzie's; I was in my shirt sleeves, and had a new axe handle in my hand. The house looked very gloomy. There was no light in the windows. It is eight years since I went down there to live, and I knew McKenzie during that time; spoke to him seldom, and was very rarely in his house. Heard of the murder first on Sunday evening; went to the place on Monday morning; saw the ruins and the remains of the bodies, (these he described.) I opened the safe with some others, and put in it what we considered the remains of Mrs. McKenzie, and one of the children. When we opened the safe there was nothing in it. Last saw McKenzie hanging a barn door, with Brown, of Lower Mispeck. It was eight or nine days before the burning. The trunk of the man found I thought corresponded in size with that of McKenzie's body.

To Mr. Kerr.—Could not swear the trunk was that of McKenzie. Passed McKenzie's on the Saturday night about seven o'clock. It is as much as five years since I was in the house McKenzie lived in. Was often in what is called the farm house; it was a house of entertainment. Polly, his wife, and children lived in it. When I passed, nothing struck me as singular, only that there were no lights. It did not strike me as extraordinary at the time. I met nobody.

John Leet, examined by the Solicitor General—I have lived at West Beach about seventeen years, and have known Mr. McKenzie since he went out there seven or eight years ago. George Leet, my son, worked for McKenzie; he came home on the night of the burning about eight o'clock. He got his supper and went to bed; I saw him next morning; heard of the fire on Sunday night; went to McKenzie's on Monday morning, and found seven or eight of the neighbors there; examined a little brown and white dog I had known as McKenzie's, and found blood on his side, but there was no wound; all the neighbors were satisfied it was blood—a small spot on the right hip; saw the remains (described them.) On Tuesday was at McKenzie's again; found near the trunk of McKenzie three buttons and part of a brace, and what they thought was the brains, rolled up about the size of a pullet's egg, and all burned; the buttons were a sort of metal buttons; had seen about a fortnight before a brown coat on McKenzie with such buttons as those; can not tell what the impression on the buttons was; observed the buttons when moving the trunk into a box prepared for it.

In spring I got some oats from McKenzie, and in paying him and getting change I saw a large roll of notes with him; he had it in his pocket; I often saw McKenzie as I was passing, and would speak to him; when he was at work he generally was in his shirt sleeves, and wore a cloth cap; can not identify any of the clothes he wore.

Cross-examined by Mr. Wetmore.—The body had been removed about two feet before I saw the buttons; I could see where the body had lain; the buttons were where the shoulders had been; I recollect distinctly that the buttons on Mr. McKenzie's coat were not plain, and were not covered with cloth; I saw it a fortnight before, and remarked it as a new coat; would not swear that the stain on the dog was blood.

Wm. Hawks, Esq., J. P., examined by Solicitor General.—I live at Black River, and knew McKenzie, and saw him in the course of that week binding oats. Heard of the burning on Sunday afternoon, between three and four o'clock, and went at once to the burning. My residence is six miles from McKenzie's. At the barn that was unconsumed, we took a shovel and fork. Robinson pointed out as nearly as he could where the bed-room was, as I thought they might have been burned in their beds. We found nothing. A man named Peacock was searching about, and remarked that there was something unpleasant about the fire-place—the chimnies had fallen. After removing the bricks and rubbish, we found what we thought the remains of Mrs. McKenzie, and then from the appearance of the body, and its position, I concluded that murder had been committed. After a further search we found the remains of a child. Of Mrs. McKenzie there was a portion of the back bone, and some ribs and the heart were visible.

The safe was at this time outside the building, and open. In it were what seemed the remains of a book and a bundle of papers. We gathered the remains and put them in the safe. No one but Robinson and O'Hare, who had gone for me, were there at first. Mr. Power and others arrived soon after. While still searching at the upper house, the lad Peacock, who was also searching about, came up and told us there was a body down at the little house. This had a cellar with a stone wall. Saw the body there, and could identify it as that of a man. Concluded that it was McKenzie's. It was then pretty well on in the afternoon. We consulted together, and my object was then to find out how, what I believed to be a murder, was committed. I heard then that the young man Leet had worked there, and I at once resolved to send for him, and direct him to come up, join Robinson at his house, and be in with him in the morning in the city at five o'clock, to give information to the Mayor. On Monday I came into town past McKenzie's, and as I passed O'Hare's he ran out to tell me Leet was there. Leet told me he was afraid to pass the place during the night, and that this was the reason he was not in town at the time appointed. Came into town, and did not go out until Tuesday.

Jane Robinson, examined by Solicitor General—I am wife of James Robinson, and live a mile at this side of McKenzie's. Knew Mr. and Mrs. McKenzie; they had four children; the

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youngest was a year old last October ; lived about two years in McKenzie's farm house, and moved from that about a year ago to where I now live, and keep a public house ; I saw Mrs. McKenzie about five weeks before the murder ; I saw her in her own wagon, going home from town.

Mrs. McKenzie had a purse very thickly wrought with steel beads ; do not know what color it was ; the purse produced is very like it ; it had a fringe on one side, and a thick tassel on the other ; the tassel seems to have been lost ; Mrs. McKenzie once showed it to me ; I saw a watch hung in Mr. McKenzie's bed-room ; it seemed to be gold ; was in the bed-room often, and saw the watch ; the watch produced is not the watch.

I saw the man we suppose to be Williams or Breen pass our house on Tuesday ; I never spoke to him ; I know old Slavin ; I have known him as good as six years ; I saw him on Tuesday pass with this big stout man we supposed was hiring with McKenzie ; this was the only time I saw him pass ; I saw the boy, the prisoner at the bar, with the woman they call Mrs. Slavin ; they came to my house the Sunday after I saw old Slavin and Williams pass ; she said she had been to Mrs. Polley's to buy some things, and she had a little churn she had bought. I asked her if her husband had been up that way ; she said he had never been up that way ; I said I had seen him, and she said he had not been up that way.

Mrs. McKenzie generally wore cotton wrappers ; she had a gown of the same pattern, made in the same way as the one produced, and this looks very like her's. Mrs. McKenzie was a tall, stout woman, and this was made for a tall woman.

Mr. McKenzie generally wore about the house a hunting-coat and cloth cap ; never saw him wear such a cap as the one produced. Never saw him wear any clothes resembling the several articles produced.

The children were three boys and one girl. The girl was the oldest—about five years. The youngest is a year last October.

To Mr. Wetmore.—Can not say when I saw the purse ; it is not two years I think. I have seen many purses wrought in the same way, but remarked this for the largeness of it. It was better than a fortnight before the burning that I saw old Slavin and the other man pass.

Peter O'Hare examined by the Solicitor General.—Lives about a mile beyond McKenzie's. Knew of the fire on Sunday ; went down about eleven o'clock in the morning to speak to McKenzie about a job of work, and saw the houses burned to the ground. Was within half a mile of the place ; went back and told his wife, and she said it was better for him to take some one down to see what had happened. She would not allow him to go farther on to Peacock's, but told him to hurry back and try to be of some assistance to McKenzie and his family. He returned as quick as he could go, and could no where see anything of McKenzie or his family ; tried the barn and found some cattle there ; went on to Robinson's and told them what had happened. Robinson and he went back and made another examination. They saw the safe on the south-east corner of the cellar wall. The safe was unlocked—they opened it and saw in it the ashes of what seemed a bundle of bank bills, a bundle of papers, and a pocket book. Robinson then said their best plan was to go for the nearest magistrate, and after another search for the bodies, and turning up some codfish, which they at first thought was part of a human body, they went for Squire Hawks, who returned with them. They then made a search and found the two bodies in the dwelling-house in the fire-place, and in the small house the body as they supposed of McKenzie. They moved the body a little only then to satisfy themselves what it was.

On Tuesday they made another search, and in the same place in the dwelling house found the body, as they supposed, of another child—the backbone and some ribs, and the jaw, as they supposed, of Mrs. McKenzie ; could not identify any of the articles produced.

I know Slavin ; I have known him for some years ; I met Mrs. Slavin and the boy in the dock, on a Sunday before the murder. She told us she was coming from McKenzie's farm-house ; I never was at Slavin's house.

James Robinson, examined by the Solicitor General.—I live about a mile at this side of McKenzie's ; first heard of the burning on Sunday, about half past eleven ; heard of it from Peter O'Hare, and went with him to the place. The night before was rather calm ; the wind was blowing from the southward ; the way the wind was that night, one house could not catch from the other ; first looked round the place, and into the several barns, in search of the family. The stable was fastened, and it was evident that the cattle had not been fed, and we concluded that no one had been about ; we searched a little amongst the ruins with a fork ; the bedroom was in the southeast corner of the house ; the safe was lying under where the bedroom was, rather within the ruins ; we lifted the safe out ; the key was in it ; the door was not locked. There was nothing in it but some burned papers ; they were in cinders, and would crumble if you attempted to handle them. There was nothing else in it ; did not make much of a search until we had gone for Squire Hawks.

(Witness described the search, the discovery of the remains, &c.)

I first saw Breen—he called himself Williams—on Monday before the murder ; this boy of

Slavin's was with him ; they came along the road until they came in view of some carpenters working in a shed ; they then stopped on their foot, and looked into the shed, and then the boy turned into the bushes and passed round my house ; the other man walked on, and spoke to me as he passed ; had not seen Breen before, but knew from the description that he was the man who was hiring with McKenzie. Often saw the boy pass that way ; know old Slavin very well ; did not see him out that way lately. Slavin used to work in a brick-yard in summer.

On the Thursday following, Breen came in company with two others over Beaver Lake Bridge ; there's a hollow after the bridge is passed, and you lose sight of any one coming that way ; Breen came on alone with an axe on his shoulder ; the others were not seen after ; I have not seen Breen from that day.

(This witness could not identify any of the property.)

To Mr. Kerr.—Slavin lived on the upper Loch Lomond road ; the road forks near Davidson's ; there is no road from Slavin's to McKenzie's, except round by the fork ; but there is a foot path ; the intervening lands are generally barren ; cannot say if it is passable in summer ; by the road round the distance from McKenzie's to Slavin's is about nine miles. Saw Slavin working in a brick-yard ; cannot tell how his children were employed. Saw Slavin frequently out on McKenzie's road, but the first time I saw the boy out that way was on the Sunday fortnight before the murder ; his mother and he came into my house for a pint of rum. When I saw the boy with Breen the Monday before the fire, they looked into my shed where a man was working. I, after Breen passed, went back of the house to see where the boy had gone, and I could not see him ; I don't know where the boy went ; I know of no road or path from the place where he went into Slavin's : that is not the crossing place.

To the Solicitor General.—By crossing the country, they could get as soon to Slavin's as by following the road they could get to the fork of the road.

Wm. Bayard, Esq., examined by the Solicitor General.—I am the Coroner for this County, and on the 27th of October went to McKenzie's, taking portion of a jury with me ; got two jurors there ; viewed the premises. Several of the jury paced the ground, and estimated the distance between the two burned houses to be about one hundred yards. Saw portions of the body, which all had been removed to the barn to the rear of the dwelling house ; in a wooden box was the trunk evidently of a man. The head was gone ; both arms and both legs ; the sockets of legs and arms were left ; the remains were evidently those of a small man, judging from the vertebrae, &c., and would perfectly correspond with the size of McKenzie. Among the other remains were the bones of a full grown person, larger than the remains found in the lower house. There were portions of the vertebrae, ribs, shoulders, &c., and part of one hip, and of the pelvis unattached—not enough to show that it was a woman ; the other remains were of a child, I should say, judging from the size of portions of the bones left, of about five or six years of age ; I concluded from the appearance of the genital organs that the back of the man had been broken. Adjourned the inquest to town ; portions of the body of a smaller child have since been found.

The buttons produced are the same that were handed to me at the inquest by Leet.

George Knox said—I live on the Loch Lomond road, within a mile of Slavin's, at this side. I know both the Slavins ; they worked sometimes in a brick yard ; I remember the night McKenzie's was burned. On Friday the Slavins came to my place, of their own good will, to dig potatoes for me ; I was unwell ; Breen came in the afternoon and said he would dig for me ; there were only three spades ; old Slavin and Breen came on Saturday morning ; the boy did not come ; they had their breakfast, and then dug a little and went away, and I saw them no more. Johnny Slavin came down after to gather some potatoes ; his father said he would send him.

On Sunday Breen came down the road, and come into our house ; it was after one o'clock. He had been stopping at Slavin's about three weeks, and said he wanted to pay his board ; he asked for some change, and pulled out two half sovereigns ; he took them out of a purse ; he went out to take them out of the purse, and then brought them in and laid them down, and got his change.

On Monday I had heard that McKenzie's was burned down ; about one o'clock Breen came down from Slavin's to my house, and I told him about McKenzie's fire. My son John was with them digging potatoes on Friday and Saturday ; he was not present on Sunday ; he was in on Monday when Breen came.

To Mr. Wetmore.—I do not think Slavin was very cross with the boy ; the boy was pretty much his own master ; the boy often worked with me, and I always gave him good advice ; he did not seem to be a bad boy ; he did not seem to be a full common-sense boy ; he seemed to be somewhat simple. I have known the boy for several years ; he used to work with his father ; he is not a bad boy.

To Solicitor General.—Was only once in Slavin's house ; did not know much of the family ; had not much to do with them ; the prisoner hired out, and was with me a month.

To Mr. Wetmore.—For that month he was a very "biddable" boy, and seemed to be a good boy. The boy got his own wages for his clothes. His father grumbled after about the hire; he got two pounds for the month.

David Ramsay examined by Solicitor General.—I live at the foot of Jeffrey's Hill; occasionally keep a boarding house; in the latter end of April Hugh Breen boarded with me for nine or ten days; on the night of Sunday, 25th of October, about eleven o'clock, he came to my house, and remained there until six o'clock in the morning. I saw a purse with him; a steel purse; it seemed to be a steel purse; it looked longer than this does as knotted; he threw it down on the kitchen table. (When opened, he said, it resembled it in every way.) It did not make any sound, but it seemed to have a roll in it of paper or cloth.

Evidence of what Breen said not admitted now.

David Hill examined by Solicitor General.—I live on the Loch Lomond road, about ten miles out; I often saw the Slavins; the last time I saw the prisoner was on the Sunday evening after McKenzie's burning; I was coming down by Arthur's house and prisoner and Arthur's son were coming out on to the road side; it was perhaps a hundred yards on this side of Slavins' house; Slavins asked me where I was going; I said to town; he said he would be down the road a piece with me; in going along the road some distance from that he pulled a piece of money out of his pocket, and asked me how much it was; I said I did not know, but that it looked very like a sovereign; he said he thought it was a five dollar piece; he said he had shown it to a person to-day who told him it was silver; I said they were only making fun of him, as it did not look like it; it appeared to be gold; on this he pulled out three other pieces, apparently gold; further down he asked me if I heard of McKenzie's house being burned; I said I had not, and asked him when it happened; he said "on Saturday night McKenzie's house was burned and all his family." He said he "rose on Saturday night and looked from his own door and saw a great light over towards McKenzie's." That was the first I heard of it; I asked him no questions; he told me he and his father had got paid off at the railroad, and they had a notion of buying a horse and driving cordwood to town this winter. When we got down as far as where Mr. Rogers did live—a half mile or less from Slavins—I was going in the gate, and he called me back. Says I, "Slavins, what do you want?" Says he, "Here's a sovereign, and treat yourself." Says I, "Keep your money. If I want a drink, I can get money myself." He offered the sovereign several times; I refused to take it; he threw it on the ground and said take that.

A smaller boy than he, whom I suppose to be his brother, came down at this time and told him his cousin wanted him, and he went with him. I followed him and said, Slavins, don't say I will have any thing to do with your money, and I put the piece of gold in Johny's hand. I have not seen much of the prisoner. I never saw him working but one day at a stumping frolic. I do not know much of Slavins. I thought the coin was gold. Arthur's boy was not with us when he offered me the piece of money. Prisoner seemed to make no secret of having the money. I could not say whether he appeared ignorant of the value of money. I never knew any thing bad of him.

The Court adjourned at six o'clock.

During the day the prisoner maintained a cool, collected appearance, seeming very little affected by being placed in such a position. The Court was crowded all day.

WEDNESDAY.

The Court was crowded at an early hour, but the rush was not so great. The prisoner appeared calm, as usual.

Robert Pengilly examined by the Solicitor General.—I knew the late Robert McKenzie since 1842. Saw him four or five weeks ago in the street. I carried on the chair-making business for him in Lower Mispeck, up to 1851. He had mills, and about two thousand acres of land. I think that in 1841 he was worth about eight thousand pounds. He lost money at the mills after that, and sank money on the farm. Can not say what property he died possessed of. He built his dwelling house about 1849. I think he had very little personal property, from what I have since seen.

To Mr. Kerr.—I know nothing of old Slavins or the prisoner at the bar.

James Peacock examined by Solicitor General.—I live about two miles beyond McKenzie's; heard first of the burning when Robinson and O'Hare called on Sunday at my house, on their way to Squire Hawks'. Went with them on their return to the ruins, and helped in the search; threw off the bricks where the chimney fell, and got the remains, supposed to be of Mrs. McKenzie and the child. My son, a boy of about fifteen, went down to the lower house and saw the body, and came up and told us. We went down; I first jumped down into the ruins, and I turned over the body, which lay on the side. I saw it was that of a man. The body lay there for some time, and was afterwards carried to the barn.

To Mr. Wetmore.—About seven years ago the prisoner lived on our road with Mr. Gordon and I did not see him since. He was very small then.

John Knox examined by the Solicitor General.—I live on the lower Loch Lomond road, about a mile on this side of Slavins'. My father's name is Charles, not George (as was

supposed when he was called). I know the Slavins. I have seen Breen, but he is a stranger to me. I heard of the burning of McKenzie's on Monday. On the Saturday previous, Breen and old Slavin were working at my father's, digging potatoes. They had their breakfast about eight o'clock. They worked before, and a little after, and went away about nine o'clock, and I saw no more of them on that day. I was in the field when they stopped working. Young Slavin was not there at all on that day. My father was sickly, but was about on that day. Slavin is a laboring man; worked about in brick yards and on the railway—his house is a log hut. The family were poor. The prisoner lived with us a month and a few days, and then left; his father was anxious to get him away. The boy did not seem willing to go, but we insisted on his going as his father wanted him. Before he hired with us, the boy was working on the railroad. I never saw money with him. I bought some clothes for the boy. His father got 20s. in advance from my father. The boy lived some years ago with James Gordon.

I next saw Breen on Monday morning; he came into our house. I had heard of the fire at the time. He stopped there about half an hour. He came from Slavin's, and went back there again. I saw Capt. Scoullar that afternoon.

Evidence of what witness said to Capt. Scoullar not admitted.

To Mr. Kerr.—I have known Slavin and family for six or seven years. He has three children; two younger than the prisoner. I do not know the age of the prisoner; his father seemed to be very kind to the prisoner; I don't think the prisoner would always obey his father; he liked living with us better than living at home; I do not know if his father was in the habit of beating him; the boy behaved very well while with us: saw nothing more about him than boys in general; I think he is a little simple; I could not say that the youngest child has as much shrewdness as this child. I would think he might be in a dangerous place or position without knowing its consequences. He can read but very little; I never knew him to go to school or church; never knew the old man or woman to go to church; never knew any opportunity he had of receiving religious instruction, or any knowledge of the laws of the country, or any laws, but those of his father's home. I have known boys ten or twelve years old who were sharper and shrewder than this boy. He was foolish in his talk, and would laugh and giggle without any reason, and like a foolish child.

To Solicitor General.—It is some time since there was a schoolmaster out on that road. Never knew of this boy's being at school.

To the Court.—Could not consider the boy altogether half-witted.

Ann Jane Knox examined by Solicitor General.—I am wife of John Knox (the last witness); heard of the burning on the Monday after it occurred. On the Saturday morning old Slavin and Breen were at our place, at about six to seven o'clock, digging potatoes. The prisoner was not there that day. Next saw Breen on Sunday. He came to our house in the afternoon; he wanted change of a sovereign. I gave him a pound note, an English shilling, and a copper. He was in the kitchen when he asked change; he then walked to the front door and came back with the sovereign; I did not see him take it out. Breen was in our house again about dinner time on Monday. Some of the police were at our door soon after.

To Mr. Wetmore.—The boy lived about a month with us. He seemed a good boy; I always thought him simple and half-witted like. I saw nothing bad about the boy.

Thomas McGuire examined by Solicitor General.—I live near the Marsh Bridge; I did not hear of the burning at McKenzie's until about eleven o'clock on the Monday after it occurred. On the Sunday evening after eight o'clock, a man who calls himself Breen came to my place. I had seen him before, but did not know him by any name. He asked for some refreshments. I told him I did not keep a house of refreshment, but I would show him the house of Burke, who did. He would not go; he got a quarter of a pound of tea at my house, and some sugar, and he got some beer to drink; he handed me a one pound note; I saw a purse about twelve inches long with him, dark and with steel beads. It might be a purse like the one produced. He appeared to have something in the purse, money or paper.

To Mr. Kerr.—I have known old Slavin for five or six years, and have seen his house. I have often seen the prisoner, but know nothing particular of him.

Patrick Hanlon examined by Solicitor General.—I am employed on the railroad, sometimes as "bos" for Mr. Myers, and sometimes for myself when I have contracts. I knew the Slavins to be employed on the railroad. I employed the father myself about the twenty-sixth of August, and he continued to the twenty-second September. The boy worked four or five days in the meantime. The boy got four shillings a day and the father five shillings. The boy worked four or five days with Mr. Myers during that time. I paid the father for both. When they were leaving two pounds twelve shillings and six pence was due to them; out of this he got a barrel of flour, and on the tenth of October I paid the balance, twelve shillings and six pence. I only paid them three pounds twelve shillings and six pence altogether. Since September

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twenty-second, neither the prisoner nor his father were at work on the railway to my knowledge. I knew Breen; he worked ten and a half days with me between the first and twenty-second of September.

John Slavin, brother to the prisoner, was then brought in from gaol; he was first examined by the Judge. He said he is ten years old, and that he knew he was to tell the truth and the whole truth. Had heard of heaven and of hell. He knew it is wrong to tell what is not true. The Judge said he thought this sufficient, and the boy was sworn.

Examined by Solicitor General.--My father's name is Patrick Slavin; that (the prisoner) is Pat, my brother. I lived on the Loch Lomond road. My father and mother lived there. The family was five. My sister lives in the old country. There is no sister living home. My younger brother is Jemmy. I never knew Breen until I saw him about five weeks ago. I heard of McKenzie's house being burned. I think Breen was four weeks in my father's house before it was burned. Breen lived in my father's and slept there. My father and Pat lived and slept there during that time. It was on a Saturday McKenzie's house was burned. I don't know at what time. I saw Breen that morning and my father and Patrick. They were not at home when I went to bed. I saw them about one o'clock in the day. They were not at home after one o'clock. I saw them leaving. They left together. When they were leaving, the whole of them said they were going to Black River. They said nothing else when they were going away. It was night when I saw them again. I was lying in bed when the whole of them came in. I was awake and saw them. They had a white bag with them, middling small. The bag contained clothes. There were socks and a pair of boots in it. They said they got these at McKenzie's. The three of them were in the house when they said this. It was my father who said they got them at McKenzie's. He was speaking to the whole of them. I had got up. My mother was present. They took their suppers then. After the supper they counted the money on the table. It was gold. My father took it out. They said there were fifty sovereigns. My father took it out. He gave it to my mother; all I saw. When they came in my mother was not very well pleased. She called them rascals. They said she wouldn't do it. This was after supper before I saw the money. I saw the watch: my father had it. It was yellow. I saw a purse with them; Hugh Breen had it. It was a silk purse, dark. There was nothing at all in it. I saw no blood on them. They said they set McKenzie's house on fire. My father said that night that they killed McKenzie; that he hit him with the axe; that they killed the woman then, and that he killed the other children then. My father said nothing about Breen or Pat. He said he killed them with the axe. He was saying this after and before the money was counted. The others said nothing. They took off them, and went to bed then.

The next morning Pat and Hugh Breen went out and hid the socks and the boots and the clothes in the woods. They took the things and said they were going to hide them. They did not stay more than half an hour. I then went out to mind the cow; I saw no money with them that morning; I saw money that day with Pat. He had it himself. It was gold. I did not see more than ten; I did not see them all; he had them in a pocket-book; Pat did not see me; I was in the bushes. After they hid the things he went again into the bushes, and I followed him. He did not go far. He opened the pocket-book, and looked at the money. He took one piece out; he then shut it, and put it in his pocket; he was not long there; after that he went down the road towards the town, and I followed him, and he saw me. Davy Hill was with him; I saw him offer some money to Davy Hill, and he would not take it; Pat threw it on the road. Davy lifted it and wanted to give it to me; then he reached it over to Pat; I can't tell if Pat took it; this was near Rogers' gate.

I did not ask Pat where he got that money, and he did not tell me. I did not see Breen with a pocket-book. I only saw one. When my father gave the money to my mother she put it in the chest. Breen went to town on Sunday about three o'clock, and came back on Monday morning.

I told a person my name was Dunn (witness was not allowed to explain why he did so.) They all went into the bushes on Monday about nine o'clock. They took breakfast before they went. I was left in charge of the house. My mother went to town. My father told me to take care of the house. Only Jemmy was in the house with me. In the evening I saw my father and Pat and Breen in the woods, in a camp that a man used to stop in in winter chopping. I was not half an hour going there. They were doing nothing but cutting with a knife. Hugh Breen told me to go home; (to the Judge) I went home. Coming near night I went back again of my own accord to see if they were in the camp. They were not there. I did not see any of them again. I have not seen Breen since. My father was in the house again that night. Only one came in at a time. Pat came in and got his supper. Father came in next and took his supper. Pat had gone out. Father told me to take care of the house. Hugh Breen I saw standing in the door while Pat was taking his supper. He staid no time at the door. He took a piece

of bread in his pocket. Heard him say nothing to Pat or Pat to him: neither of them spoke to me. I next saw my mother in the Court House. I did not see the others since. I have told all that occurred on the Saturday night. I think I heard them washing their hands before the supper.

To Mr. Kerr.—I have been living in town since this occurred; my younger brother is six or seven; I am not as smart as Pat; I went to school about a year to Fetherstone; Pat went at the same time, but not as long as me; he learned as smart as me; he can't read; I can't read; I never went to church; my father never went to church, nor Pat, nor my mother; we just stayed in the house on Sundays, and played away our time.—Pat was hired with Knox, and upon the railway. He was by himself hired with Hanlon (?) He hired himself also on the marsh for a month or so. My father got his wages; did not get all his wages on the railway; my father worked most of the time in the brick yard; Pat sometimes worked with him.

For some time before McKenzie's affair, my father and Pat and Breen were all living in one house together, not employed; my father used not beat Pat, and Pat did not always do what my father bade him, but pretty much as he liked.

If my father asked me to go with them on Saturday, I don't know if I would go. I suppose my father would make me; he would not make Pat go, because Pat would not go unless he liked; my father could not make him go; Pat knows more than me; he did not tell Pat to go; he went himself. They said they were going the Black River road. I did not see them until night. It was about two hours after dark; I went to bed that night about half an hour after dark; I did not get up until they came home; Pat did speak after they came in; he said they had got some clothes; it was a good little while after they came in before I rose; I could see them from where I slept when they passed. I slept in the kitchen, the same place where they were. There is a little partition in the house, but no second room. I did not sleep in the place partitioned off; they struck up a light when they came in; there was no blood on them; my father had the bag. Saw nothing with Pat that night, and nothing with Breen only the purse; Pat had the pocket book; I did not see him get it from my father or Breen; I saw him give it to father, and my father gave it to him again, and he hid in the woods; it was after that. They had some butter too. My mother was there when they came in; I told no one about all this. I told the police my name was Dunn; my father told me; it was my father who counted the sovereigns; he said there were fifty sovereigns; I do not think that these were the same that Pat had after; they were not in the same purse. Pat said there was a fine pair of boots for him. I guess they brought the bag turns about. On Sunday morning my father told them to hide the clothes. I first saw the pocket book in the middle of the day on Sunday.

I heard some money jingle in Pat's pocket, and I watched to see if he had any money to tell the rest, and I saw him open the pocket book in the bushes in the middle of the day on Sunday. I told my father I heard the money jingle, and my father told me to watch him. I did not want the money. He did not get it from my father, for my father told me to watch him and find out. When I followed Pat into the bushes, he did not see me. I told my father, and when Pat returned to the house my father asked him if he had any money, and he showed him the pocket book. My father took it and counted the money, and said there was about £50 in it. Pat asked it back, and my father gave it to him, and he said he would go out and hide it. This was before Pat met David Hill. Pat knew what they were. I heard him call them sovereigns; he heard my father call them sovereigns the night before. He knew himself what they were; he said he did; he saw sovereigns before; I did not know the value of them; I did not see any money with Breen. I don't know what Pat did with the pocket book.

I guess it was for taking the things they went away into the bushes on Monday. They all went together. No one told Pat to go. I did not hear what they said. "I did not go, what would I go for?" Breen went first, and my father and Pat next; it was eight or nine o'clock. When my father and Pat came back that night, they stayed only to eat their supper; I came into town myself when none of them came back. I left Jemmy at a neighbor's house; I stayed at Carroll's; I saw two policemen in the house before I left; they asked me where they (his father and the others) were; I told them I did not know, that they were in the bushes; I think this was to the Captain.

After consulting with the prisoner, Mr. Kerr asked the witness if he did not see his brother get that pocket book from Breen, or give it back to him, and he answered both questions in the negative.

To the Solicitor General.—On the Saturday night I fell asleep after going to bed, and woke up when they came in. I only guess it was two hours after night. Behind the partition is the bed in which my father slept. I slept in the kitchen.

To a Juror.—They brought an axe with them.

To the Judge.—My father had the axe. The butter was not in the bag; it was in a cloth by itself. Pat carried the butter.

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To a Juror.—It was my father's axe. I saw no blood on it; I only saw the handle of it
 To the Solicitor General.—When my father asked Pat for the pocket book Pat went back to the bushes. I thought he went for the pocket book. When he came back he gave my father the pocket book. After that he asked my father again for the pocket book, and got it. The Carrolls are friends. I stopped there once before.

To Mr. Wetmore, through the Court.—I have said my prayers; I forget the Lord's Prayer; my mother taught it to me; it is a long time since I said it; I used to say them going to bed; it is over four months since I said it; Pat used to say his prayers until the same time; my mother said they were rascals before they gave her the money.

John Haggerton (called here, he says, Heagarty) examined by the Solicitor General.—I live at the Four Mile Woods, above Lake Lomond. My family consists of a wife and six children; Bernard, my eldest boy, is twenty-one; Biddy, my eldest daughter, is three years younger; my wife is Slavin's sister; I have seen Breen once. On the Saturday night the fire took place my boy left the house to accompany another boy, and when he came back he said he saw a fire. This was about eleven o'clock. He thought they were burning slabs at Ratcliffe's mills. On Monday heard of the fire at McKenzie's; it was eleven o'clock; on Monday night I saw Slavin and his son, and the boy they call Breen; before day on Tuesday morning they came to my house and raised me. I got up and let them in, and asked them what was the matter that they were out such a stormy night. Old Slavin said there was a fire down at Mispeck, and that he and his wife and Breen were often seen down here looking after a man named Gordon that owed him £5, whom McKenzie kept hid until he could send him off in a steamboat, and they were afraid they would be suspected of the wreck that was made. They said they were looking about McKenzie's for Gordon, and had a writ for him. Neither Breen nor young Patrick said anything. I kindled a fire, and they dried themselves, and I got something for them to eat; it was a very wet night; I cannot say how far it is from my house to Slavin's; they say that my house is fourteen miles from town. Slavin, after they ate, said it would be better for them to leave the road, as there might be a search for them; they went out to the woods; it was daylight. They went down forty or fifty rods from my house; I went with them. They broke some spruce boughs and made a shed; I did not assist them; my son also went down with them; he did not assist them, and came back with me.—The only thing I saw with them were two pieces of dark cloth, Slavin himself had; both pieces seemed to be of the same pattern. He left it in my house for my son to get a pair of pants made for him; he said he was going a distance, and to get a pair of pants made for him. My son brought the cloth to town to get it made up; it was about sunrise when I left them in the woods. I saw them again about 11 o'clock, before I went to my work. The three of them were lying down when I saw them, on a bundle of straw they had taken out of the barn. Breen had carried this to the camp. I did not carry them anything. I told them it was a bad job the house was burned, and I was afraid they would suffer for it, as they had run away from home. Not one of them could say a word for himself. I then went over the lake to Cane's to shoe-make, and stayed there until night. When I returned my son had not come home. I did not go to the camp that night, and the next morning went to work. I did not see them or send anything to them. I suppose some of the children took them something to eat; my son had come on Wednesday evening just as I returned, and brought word that Mrs. Slavin was arrested. On Thursday morning before breakfast I went down to see them; my son went with me; they were lying as before; they had an old quilt. I suppose my woman had given it to them; my son told me that Mrs. Slavin and the two children were arrested. I got so full I could say nothing, and turned away; heard Breen say nothing. On Tuesday night the police first came to my house; they said they were looking for three men who had stolen a horse. I did not see Slavin and the others after Thursday morning.

Mrs. Carroll is a cousin of Slavin's.

To Mr. Wetmore.—It is seven or eight years since Slavin left the Lake, and I have not seen much of him since or his family. I knew Pat then very well. He was born in Ireland. He is, I suppose, thirteen or fourteen years old. He was three years old when he came to this country. They lived with me for a year. Since they came to live near town I was only twice in their house, and seldom saw them. Pat sometimes came to my house while he lived at Golding's; he did not come often. He seemed a simple, quiet kind of boy; not as keen as boys usually are. He might be cute enough at an answer or the like of that. I believe he was a simple boy, and not as capable as he should be of discerning between right and wrong. He was easily led. He was not a boy easily frightened. Old Slavin was a high tempered man. I do not know if he beat his children.

To the Solicitor General.—Golding lived in Smith's place, at the head of the Lake. He would come there for a week or two at a time, until his father came for him. Mrs. Golding was very kind to him, and when his father did any thing to him he used to come there.

Bernard Haggerton was next brought from gaol and examined. He said—I live at the head

of the Lake. I did not hear of the burning of McKenzie's until the Tuesday morning after it happened. I heard of it from old Patrick Slavin. I know the prisoner. I first saw him after the fire, in our own house. The prisoner said nothing to me on that morning. Old Slavin was telling the news to the family. It was about an hour before daylight when they came to the house. I did not get up for half an hour after. After breakfast they started to the woods. Old Slavin (I think) said McKenzie's place was burned, and he was afraid they would be "a deemed" for it.

To the Judge.—I think it was between nine and ten o'clock I was going down from our house with Lawrence McAleer, and I saw as if the reflection of a fire or the moon rising: I thought it was fire. The reflection was down towards town. I do not know the direction of McKenzie's from our house. I was never on that road.

To the Solicitor General.—Old Slavin said McKenzie and his family—his wife and children were burned in the fire. Old Slavin had a piece of dark cloth with him. He gave it to me to get a pair of trowsers made. A daughter of Mrs. Carrol's made them. The old man got them. The party went to the woods about an hour after day. My father and I went with them. They went about half a mile and took with them an old quilt and some straw. I stayed only about five minutes. They were making some kind of shed. On Tuesday I came to town and got the pants made. I sent them home by a man named Lynch, and I think one of the little ones took them to the camp. On Wednesday I returned home, but did not go to them until Thursday morning, when I took a piece of bread to them. My father was with me. I told them Mrs. Slavin and the children were prisoners. I told them that I saw police on the road as I was going in. They were in a carriage, and I was told they were police. The men were saying the place was very wet. They did not talk of leaving it. I did not see them again until I went back to the camp with the police.

On Thursday evening after I left the camp I saw Capt. Scoullar at Smith's. There were some men with him, and I was made prisoner. Enquiries were made of me and I gave no information about the parties. On Friday I went out again with the police and found the men in the camp.

The cloth old Slavin gave me was a dark satinnet. (Examined a pair of trowsers produced.) Can not say if these are the trowsers. The cloth was like this. I don't recollect that on the Thursday any of the men spoke of going to the United States. I do not remember if I gave them any advice. Is quite sure he did not see any clothes left at his mother's. He was not much in the house after the men came there.

To Mr. Kerr.—I know the Slavin's for eight or nine years. The prisoner always seemed a simple sort of fellow. Never saw any thing bad of him. Has not known much about him. The boy said nothing while the party was in the house. Breen spoke a little: he said they were not guilty. When I saw them on Thursday morning they were pretty wet. It was rainy weather. I do not know that they were in our house from Tuesday morning. The boy was very quiet and silent all through.

Mary Carrol said—I know Bernard Haggerton. He brought some cloth to me to make a pair of pants. It was on the Tuesday after the burning. The pants produced are the same. I know them by the waistband.

To Mr. Wetmore.—I am a far out relation of Slavin's. I know him for several years. I never saw any thing bad about the boy. I often saw him.

Rosanna Carrol took the cloth to the tailor to get cut. Believes the pants produced to be the same.

To Mr. Kerr.—I have known the Slavin's for eleven years. Never knew any thing wrong of the boy. He seemed quiet. For some weeks, about eight, he boarded at our house while working on the railroad. He seemed a very quiet, good boy. We never had any trouble with him.

Sarah Carrol is mother of the former witnesses, and lives in Patrick Street. Old Slavin and his son came to her house, while working on the railway, to cook their victuals and sleep. Previous to that they would call at her house often. Slavin is a cousin. It is thirteen or fourteen years since the Slavins came out, and the prisoner was a child then. Never before saw any thing bad of the prisoner or family. The boy was not as smart as some boys reared about the city. He seemed simple.

To the Solicitor General.—I mean the boy was not as devilish as some city boys. By simple I do not mean he was devoid of understanding.

John D. Short examined.—I have been shopman to Mr. Gilmour, clothier. Two weeks before the murder I sold to McKenzie several pieces of cloth, two pieces of satinnet. The cloth of the trowsers produced is of cloth of the same description.

To Mr. Wetmore.—I can not say positively that this is the same cloth. It is a description of cloth very much worn.

Archibald Rowen examined by Solicitor General.—I am a gas-fitter, and have been engaged about the jail. I was twice in the prisoner's room. I had a conversation with him the last time I was in. It was about half past six o'clock on the evening of Thursday week. I went in with the persons who went to look after his irons.

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To Mr. Wetmore.—I spoke first and asked the boy if he had any thing on his mind. He said he had nothing particular. I held out no inducements to him: did not tell him he had better turn Queen's evidence, or that it would be better for him. I did not tell him that what he would say would be used against him, nor did I put him on his guard any way.

After some argument, the Judge said the evidence was not illegal, and that it would be the duty of the witness to state what he had heard.

Witness—I asked him if he was sensible of having injured any one; he said not; I asked him if he had gone to McKenzie's with his father; he said he had. I asked him if, as reported, he was in the house and held a light; he said no, he had watched on the road. I asked him if he knew what they had gone for; he said no—all he knew was they had gone to kill some one. That is the substance of what he said; my reason for going in to see the prisoner, was that Breen had been a servant in a house in Fredericton where I boarded some years ago.

To Mr. Kerr.—I was never a witness before but once for a few minutes; my impression was that the prisoner was a boy of very little feeling. He was smiling and laughing; if the boy had not sense enough to understand the awful position he was in, that may account for his laughing and smiling. I may be mistaken in my estimate of his character. I rather think that if I were in such a position, I would not tell all about the affair as he did; he said he took no part in any of the murders; he appeared to be of opinion that he had nothing to do with the murder.

To the Solicitor General.—I did not go to any office to state what I had heard. I spoke of it to some of my acquaintances, and I presume it was in that way it became known to the Attorney General or Captain Scoullar.

William Arthur sworn—I live on the Loch Lomond road, next house to Slavin's. On the Sunday after McKenzie's house was burned, I went into Slavin's house. The prisoner was eating his dinner; he came out with me, and we went down some distance through the bushes; he then pulled out a yellow coin, and then three more; he said they were five dollar pieces; he bought an old knife from me for 3d; he had 8d more in change, and he wanted to buy a pint of rum for it. I said I must go home. We went to the road, and then David Hill came along, and they went away together.

To the Judge.—He said the boss of the railroad was after paying him.

To Mr. Wetmore.—I never saw any harm about the boy; he made no secret of having the money.

Jacob Arthur—I live on the lower Loch Lomond road. On the Sunday after the fire the old man came up to my house and stayed there two or three hours. He said nothing of the fire. Did not see the young man that day.

To Mr. Kerr.—Believe the education and religious training of the boys were much neglected. They spent their Sundays visiting about to their neighbors. Old Slavin was a hard working man. I cannot say he treated his family harshly, or that if he wished them to do anything he would make them obey him. I rather think he would not. The boy was easily led; I never saw any simple ways about the boy. I always thought he was a smarter boy than the second boy. I don't think he ever had any chance of learning what the laws of the land are.

George Scoullar, examined by Solicitor General.—I am Chief of Police in the city. I first heard of the burning of McKenzie's place at about ten o'clock on Monday morning. Mr. Dooley, the tanner, first told me of it. After further inquiry, I satisfied myself that there was a burning, and something more. I then got a team, and with two of the police drove out to McKenzie's as rapidly as I could; about half way out met Mr. Hawks and George Leet coming in; in consequence of what Leet told me, I went direct to where the houses were burned; got there about noon. First went to the ruins of the dwelling house; saw an iron chest; lifted the lid and saw what appeared to be part of the body of a female, and bones of children. Could find no more in the ruins of that house; next went to the lower house, and in the cellar saw the trunk of a small sized man. Searched the ruins of that house also, and could find nothing to aid me in discovering the cause of what happened. Searched about the ruins, in the woods, down to the bridge, and along the Mispeck stream; searched the barns, &c., and could discover nothing; saw some dogs scenting round the charred remains of the man, and directed the Robinsons to prepare a box, and have the remains put in it, to take care of the cattle, and to keep things as they were. Listening to what was said by parties present, from observation made by a man named Moore, of West Beach, I was induced to go to the lower Loch Lomond road. I went to the house of Mrs. Rogers, and inquired if a man of the name of Williams had been about there, or any man answering the description of the man who I heard had been about McKenzie's the week before. They said a man named Breen was about there, and his description answered that of Williams. In consequence of what they told me, I went to Wat's, and then to Knox's, and then to Arthur's, and then to the house I was told was Slavin's. There I saw two small boys. They said their name

was Dunn. John Slavin, the witness heard to-day, was the boy who gave that information. He said their father and mother's names were Dunn. I sent for Mr. Arthur, and he said they were John and James Slavin. I told the boys not to be afraid. John Slavin then admitted what his name was, and that a man named Breen had been stopping there. From information received there, I proceeded to town, and as we got near the city I saw a woman crossing towards the sands, whom, from description, I supposed to be Mrs. Slavin. I sent a policeman after her, and found it was she. From the contradiction of her statements and her sons, I arrested her and brought her in. I then set guards on all the outlets of the city. With the force on duty in the city, I had all the city pretty well searched for the two Slavins and Breen, and I sent two police out to watch Slavin's house. Next morning I sent four men out the Loch Lomond road. Continued the search. Did not see any of the prisoners until the following Friday evening, when I found them in a camp at the head of Lake Lomond, about three-quarters of a mile from the road. A sort of path led to the place. Bernard Haggerton guided us to the place. Policeman Dobson and I, with Haggerton between us, advanced to the camp. Breen and old Slavin came to the front of the camp, and were secured. I asked old Slavin where his son was. He said in the camp under the quilt. Searched, and found he was not there. Saw a hole at the back of the camp, and looking in that direction, saw the lad running off. I called out to him to come back, or I would shoot him. The father said not to shoot him, and called to the boy to come back; he did come back. Dobson searched Breen, and got on him three sovereigns, and an English shilling and portemonnaie. Old Slavin said that when I came up he was putting on his coat to come out to tell all about the matter. He then asked me to step aside with him. I did so, and sitting down on a fallen tree, I searched him, and found two York shillings on him. Mr. Stockford and the others of the party kept charge of Breen and the boy. I told Slavin I was a public officer, and charged him to tell me nothing that would militate against himself. He said he would sooner be dead than suffer as he had done.

To Mr. Wetmore.—I was armed, but no threats were made or inducements held out.

He then said he was putting on his clothes to come out and tell the authorities all about the matter; that it was the man Breen who led him into the whole difficulty; that he had left the railroad the same time he did, and stayed with him on and off from that time. He said he had gone out with Breen to McKenzie's place in search of a man named Gordon, whom he said McKenzie was secreting —

(Here a long discussion arose as to the admissibility of evidence of old Slavin's statement. The Judge said he was not satisfied on this point, and would not decide it; it was agreed that this part of the evidence should be omitted for the present.)

We brought the prisoners out, and to George Smith's house, at the head of the lake. George Stockford and policeman Marshall brought in the prisoner, old Slavin; Smith and a policeman brought in Breen, and James Stockford and I brought in young Slavin. Before we got into the wagon one of my party stated (I think in presence of young Slavin) that he wished to show where some of the things were. When we got into the wagon and had started, I then warned the boy as I did his father. I told him I was Chief of Police, and that he should not tell me anything to injure him on his trial; that if he chose to tell me anything it must be entirely voluntary.

• Mr. Wetmore again argued that if any inducements were held out to the boy by any other party, that would lead him to make this statement, the statement would be inadmissible, and he asked that it should be shown that no previous inducement was held out.

Solicitor General argued that even if inducements were held out previously, the confession, after the boy was cautioned, would be admissible evidence.

Witness continued.—The boy said that it was Breen who had got his father and himself into difficulty. Breen had been working on the railroad, and after he was discharged had been stopping off and on about his father's house; that some considerable time before the burning took place, he and Breen had been out about McKenzie's house several times, and that he had been once in McKenzie's house asking for water; that they had gone out there and returned home; that on the Saturday before the burning, he and his father had been digging for Knox; that when they had worked for some time, Breen came up and took the spade out of his hand; that he left Knox's place and went home; that when he was home some time, Breen came in after him; that Breen then proposed to him to go to McKenzie's that night; that he went out with him; on the way out, that Breen told him it was for the purpose of robbing McKenzie; that he went out, and when in view of the house, Breen left him on the top of the hill to keep watch; afterwards Breen went down to McKenzie's house; that Breen called at the house where McKenzie lived, and that Breen and he came out and went with a light to the lower house; that after a short time Breen came out alone, and went back to the dwelling house; went into the house, and after a short time he (the boy) heard loud cries and screaming, and something like a dog cry and howl; that Breen then came out (after a lapse of an hour or so)

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and went to the stable between the two houses, and carried some straw from the stable to the lower house, piled some wood on to the straw, and then set fire to it; then went to the upper house, taking straw with him from the stable; put it into the porch door, piled wood on it, and set fire to it.

Both houses got into a blaze in a very short time. Breen came to where he was on the top of the hill, bringing some bundles, a bag, and some butter in a pail. He then asked Breen if he had murdered McKenzie and his family, and that Breen said he had murdered them, and burned up every soul of them. He then said that his father came up to them, and that Breen taking the butter, and he and his father carrying the bundles and bag, they started for home, and got home before midnight; his mother got up and let them in; that she then told them to take the things out of the house; that she would not allow them to remain in the house; that Breen then gave him five to ten sovereigns; that Breen also gave his mother sovereigns; that McKenzie's hat was offered by Breen to his father. He then said that the bundle and bag were hidden under an old fallen tree in a swamp below the house, and that he would take them where they were; he did so, and they found the bundles, containing some bundles of yarn, a woman's frock, some children's blankets, some socks, and other trifling things. They were tied up in a sheet. In the carpet bag were a pair of boots, four old knives, and four old forks. I asked the boy if he was aware that murder was going to be committed before he went out. He said he knew the robbery was planned weeks before at his father's, but he did not think murder was to be committed until he heard the screams from the house. At that time he told me his father had nothing to do with the killing; that Breen had done the whole of it. After hiding those things, he said they went to bed. He and his father were about the house on Sunday; on Monday his mother went to town; (Breen went on Sunday, and returned on Monday morning.) After his mother went to town, he and his father and Breen went into the woods to the camp; after the wagon I had, had left the house for town, he came out of the woods and learned from his brother that inquiries were made after the persons who murdered the McKenzies; he went back into the woods again, and in the course of the night they started for his uncle Haggerton's, and got there about day-break; got something to eat there, then went back into the woods and made their camp; that young Haggerton went in with them; that Barney Haggerton and his sisters had occasionally taken them provisions into the camp. He said that he had given the sovereigns he had left back to Breen on that day. I should have said that he said that the sovereigns Breen had given his mother she hid in the stone fence. He said he saw Breen leaving the camp for the purpose of hiding the gold watch, purse, and other articles, and he said these had belonged to McKenzie. On Tuesday last I discovered near the camp, about thirty feet from it, a bundle under an old fallen tree; in one of the legs of a pair of trowsers were two pairs of socks, (identified the trowsers, a light striped pair,) and an inside cotton shirt. We continued the search until Thursday afternoon, but found no more. Next morning, with two men, I started for the camp again, by torch-light, and found at the root of an old birch tree, under leaves and moss, a woman's apron, and inside a mitten, and in it a gold watch wrapped in a silk handkerchief, and a purse containing twenty-eight sovereigns and four half sovereigns, and a pair of braces. (Were all produced.)

The examination of Captain Scoullar resumed.

THURSDAY.

The purse and money were the last things found. The articles found from the beginning of the search were the three sovereigns, and the porte monnaie and English shilling found on Breen; the next were the carpet bag and bundle found at Slavin's, when pointed out by the prisoner; next, got the tub of butter and blue cloth cap at Slavin's house, and a pillow case and striped shirt. On the Sunday following, Mrs. Slavin went out with us and showed us a small red bag hid under a stone near her house; it contained forty-five sovereigns and twenty-three half sovereigns. The next property we found was on Tuesday, near the camp at the head of Loch Lomond, under a tree; I found the pair of trowsers, &c., and on Friday morning found the piece of calico, mitten, watch, purse containing twenty-eight sovereigns and twenty-four half sovereigns, &c.

Cross-examined.—The prisoner said he did not know murder was going on until he heard the cries. Told me that Breen went down to the lower house with McKenzie. He did not say there were cries in the lower house. The cries were heard from the upper house. Prisoner did not say how far he was off at the time he was keeping watch. He knew of the robbery being planned, but he did not know anything of the murder until he heard the cries. Told me that he was not in the house. He said that Breen had laid the plan, and that his father had been led into it.

The pocket book produced (a small worm-red one) is the one I found on Breen. I found no pocket book on the boy; found no other pocket book; this contained three sovereigns. The boy said he had got a pocket-book from Breen, and gave it back to him with three sovereigns. The boy showed us where the bundles were, and afterwards told us of the other property concealed near the camp. He showed no disposition to concea-

any of the property. Besides the property now found, the boy said there was no more. If I were to believe what the boy said, I would think there was another pocket book.

At the instance of Mr. Wetmore, the witness tried if the pocket book would hold fifty sovereigns.

I could close it with fifty sovereigns in. The evidence given by the boy (Johnny) was not precisely the same as he gave before the Coroner, as far as I heard.

To the Judge.—The prisoner seemed a loose kind of boy, laughing and carrying on; he seemed to have a great deal of ability to keep a secret; he seemed to be quite capable of knowing good from evil, and to be rather intelligent.

To Mr. Wetmore.—The only time I saw him take his position seriously was once when Dobson and I went into his cell and found him crying. He was chained and had been handcuffed. This was the fourth day of his confinement. At other times he would talk of the affair, and then go off laughing. He seemed to think that, as he stated he was free of the butchery, his share in the other part of the affair was of little moment, and would not bring very serious consequences. The boy was lying on the bed and crying. There seemed a great deal of levity about the boy's conduct, but this did not surprise me, as I had made up my mind about it. If I had not made up my mind on the subject, and had heard nothing of the affair until I had gone accidentally to the gaol, and had been told that a man and woman and four children were butchered, and a boy in irons charged with the crime showed such levity, I should certainly think that he had not a proper sense of his situation.

To the Solicitor General.—I was probably three hours or three hours and a half in company with the boy on the evening of his arrest—from the time of the arrest until we got to the watch house. There was nothing in the boy's conduct or conversation during that time to induce me to believe he was devoid of understanding. I have seen him four or five times since. It is from what I have seen of him and his conduct I formed my opinion of his character.

Thomas Dobson examined by the Solicitor General.—I am a policeman. When Breen was arrested I found three sovereigns and an English shilling in a portemonnaie in his pocket, and a copper in the same; brought Breen to town.

To Mr. Kerr.—I inquired of Breen on that day about other property. I since made inquiry about the property of the boy. I did not ask about the pocket-book in particular. He said Breen had hid property near the camp, but he could not tell where it was. The boy did not tell me he gave the pocket-book he had to Breen. I do not remember that the boy told me the pocket-book he once had was the same I found on Breen. All the property we heard of has been found, and we have discontinued our searches. Breen told me old Slavin had the portemonnaie before; I found no other pocket-book. A mark on the side of this seems to be where a name was, and has been scratched out. I was not told who scratched it.

Wm. Ross examined by the Solicitor General.—I live at Indian Town; I knew the late R. McKenzie since 1840; I had many transactions with him, but none of late. I was the owner of a gold watch, McKenzie had it, I put it with him with a bond of one thousand five hundred or one thousand six hundred pounds some thirteen years ago. The bond I since took away and gave to Mr. Tuck, and he has it now. The watch was made by Webster, London, Whitehill Street, I think, and the number was five thousand one hundred and twenty-eight. The description is in Spahn's books, (watch produced.) That is the very watch. I swear it is the identical watch. It is mine. McKenzie had no claim on it. I saw the watch last when I took the bond from McKenzie, about six or seven years ago. It was in an iron chest he called his safe. I don't think he ever had it on his neck.

George Smith examined by Solicitor General.—I live at the head of the lake; I went with Capt. Scoullar to the camp where the prisoners had been; I came in with one of the prisoners; I was not at the camp while the prisoners were there.

James Stockford sworn.—I have seen the prisoner at the bar before; I accompanied Capt. Scoullar on the evening the prisoner was brought in from the lake. I heard Capt. Scoullar's evidence. I was present when the boy made the statements to Capt. Scoullar which he detailed in Court. He detailed those correctly.

Solicitor General.—From what you saw, did you think the boy devoid of common sense?

Mr. Wetmore objected to such question being put by the Crown. The witness should only detail facts, and from these the jury should form their own judgment.

The Court decided that if the question were put, the witness should first be asked as to all the facts from which he formed his opinion.

The Solicitor General said they did not wish to take up the time of the Court with a repetition of these statements.

George Stockford was repeatedly called, but did not appear. After waiting several minutes (messengers having been sent to find him) the Solicitor General said they would wait no longer for him, but call the next witness, HUGH BREEN.

The Judge seemed surprised at this course; and some objection was made by the counsel for the prisoner, but the Solicitor General argued that he was, according to all the late authorities, a competent witness, and he was evidently a most disinterested witness, as the verdict in the case could not now affect him in any way.

The Court ordered that he be sent for.

HUGH BREEN was then brought in, and having been sworn, placed on the same stand that had been occupied by previous witnesses.

He was advised by the Court that he need not answer any question to criminate himself. He said—I know the prisoner at the bar about six weeks. I knew him working with Mr. Hanlon on the railway. I knew him after at his father's. I stopped at his father's about three weeks. I saw him about a month before the burning at McKenzie's. I know when that took place.

The witness was again warned that he need not answer any question unless he pleased—any question he thought would implicate himself.

Witness.—We were there. Mr. Slavin, his son and me; that's all I know about it. I saw the prisoner at the bar do nothing there. I could see him do nothing there. I separated from them on Sunday evening at his own house. We were not together until Monday night again. We did not separate after that until the watchmen took us prisoners. I came into town on Sunday evening, went back on Monday morning, and we went together on Monday evening. I saw the prisoner do nothing at McKenzie's, for I was outside. He was inside; he went in with his father. I did not go into the dwelling-house until the murder was over. The three of us were in the old house—in the small house; that was before the prisoner and his father went into the big house, or before we went up to it. There was no one in the small house but ourselves then. I saw McKenzie; he was in the small house while the three of us were there. McKenzie was alive when the prisoner was there. I saw McKenzie dead in the small house.

The prisoner was again warned that he need not answer these questions.

I went up for McKenzie, and he came down. He said, is she coming? He meant my wife. I said she is; is she near hand, says he; well, she is pretty near, said I. Slavin and his son were in the next room. I took the axe in my hand to make down some fire. Old Slavin said, don't make down any fire, the less light the better; I then took up the fire again; this was before McKenzie had come. Then Slavin took the axe out of my hand, went into the next room, and shut the door. His son was along with him at the time. There were two or three rooms in the house. He shut the room door, having gone into the room and his son with him. McKenzie came down; had a light in his hand. He did not know Slavin and his son were there at all; it was before he came in they had gone into the room. Says Slavin, coming out with the axe behind his back, "she's on hand," meaning my wife, about whom he had heard McKenzie talk. With that he drew the axe and hit him on the breast. Says he, wherever I hit a dead dog will tell no lies. Then he left him on the floor. He struck him on the breast with the back of the axe.—McKenzie let a groan out of him, but did not speak. He was put from speaking. Slavin then put him in the cellar; a few steps led to the cellar, through a trap door. Can't tell who lifted the trap door. I'm on my oath, and can only tell what I saw. He then took another notion, and brought him up again; says he, will you help me to get him up again; says I, I can't. Then he went down and struggled, and got him nearly up, and then he asked me to take him by his feet and help him up, and I said I would, and then I did. This was about an hour and a half after he struck him; he had been dead then a considerable time; he trailed him along the floor into the room he first went into, and left him there on the floor. It was after this he went to the upper house, during all that time we were about the old house. Then we went up to the new house—all three of us. Says Slavin to me, go in you, as you know the place; says I, I don't know the place any more than you do. Well, says he to me, you stand at the sill of the door until I get a view of her, that is all I want—I did so. He came in and put his head half in through the door. She was sitting on a small seat near the stove, with her baby in her arms. She says to me, is she near hand? Yes, she is, says I, pretty near (she meant my wife.) He put me up to say that, as it was the only way to get at McKenzie. It was he said yes, she is pretty nigh. He had his axe behind his back, and then came forward and let her have it on the side of the head. He struck her with the back of the axe. The baby fell over against the edge of the stove on the fire-place. He gave Mrs. McKenzie two thumps with the axe somewhere about the heart. He hit the children then with the axe. They were standing crying round the mother. There were four of them. That's all I know of it. He hit the whole of them with the axe. They cried for a spell. Mrs. McKenzie did not cry. She moaned for a little spell. The prisoner was standing in the porch at the time. He went no further. He took no direct part in the murder. He had no hand in it no more than I had myself. That's all I have to say about the murder. After the murder was over we shut the door. The dog happened to come in, and got some of the blood on

him. It was a small dog. The murder was over about half-past nine; the prisoner went and looked at the clock. We shut up the doors and went down to the edge of the woods below the house, and sat there for a good little while, and then came up again to the house. We heard some of the children crying or moaning. Slavin asked what it was, and I said it was crying or something. We went back again to the woods for another while. Came back to the house again. The prisoner was getting hungry, and we looked about, and Pat got a piece of a loaf, and we all drank some milk in the pantry, and went down again to the woods, and stayed there awhile. We then returned again to the house. Pat had the key of where the money was kept. He took it out of Mr. McKenzie's pocket after he was killed a little spell, and before we went to the big house first. His father got weak and could not put a hand to him. Slavin and Pat then went in, and Slavin gave me the axe and told me—now if any one pass do you slay him, and we will search and get whatever is inside. After they went in I heard, as I thought, the safe opening. They took out whatever money was in it, I suppose, and came out, and we all went down to the edge of the woods again. Then we again came back to the house, and Slavin said it was better set fire to the lower house first, as the people may think it caught fire, and they were all burned in their beds. Pat had some matches and lit a candle. There was a bed Leet had in the lower house. Pat said to his father it was better put the candle to the straw; it caught fire before we left there. I expect the house burned, I came up with a lock of straw. Says Slavin, we will now go up to the upper house, and set it on fire. We went up and I took the straw, and Paddy the matches and the candle. We put the straw at the edge of the porch, built some wood round and set it on fire. The house caught fire. We remained there about five minutes after, and then all of us went home. A little, not much, was carried from the house, some socks, some mittens, a woman's dress, some yarn, some aprons, a beaver hat, a gold watch, a pair of boots, the prisoner took out of McKenzie's bed-room. There was money taken, over fifty pounds. I did not see it in any thing. I saw old Slavin put his hand in his pocket on Sunday morning, and throw it down on the table, and it looked like gold—sovereigns and half sovereigns—he had it. We all came to Slavin's that night; I can't say what time it was.

Had conversations with prisoner only about three weeks before. There was a man living at McKenzie's, and the old man, who had set a plan six years before to murder McKenzie, had no chance to do it. The prisoner did not hear much of the affair until a few days before it happened, when old Slavin said to his son to be a good boy, be wise, and take his advice, and if he would he would do well. Pat never took his advice; he was not an obedient boy; he would give his father the worst word in his belly; his father could not manage him at all; his father told him he wanted him along with him to hold the candle for him; that he did not want him to do any of the murder for him, as he could do it alone; the boy was keen for to go there; I cannot remember what he said. We went out together; the conversation on the way was nothing only to murder them. The father said, "Now, when we get a chance at them, do you back me the best way you can." For my own part, I backed him nothing; I said nothing; the boy said nothing.

I saw money after with the boy—one sovereign in his hand on Sunday morning; I saw a pocket book with him; I don't know what he did with it; I may know it again; the one produced might be it. His father told me the boy had five sovereigns in it; this was in my possession; Paddy (the son) gave it to me a few minutes before we were arrested—about half an hour; when the handcuffs were on me I told the policeman to put his hand in my pocket. About half an hour before we were taken, Mr. Slavin put three sovereigns in my hand, and a quarter dollar.

To Mr. Wetmore.—On the Saturday before we went to McKenzie's, I had no money; it was on Sunday evening I first got money; it was on Sunday evening Mrs. Slavin gave me two half sovereigns. The two together will make a sovereign. I did not take a whole sovereign to any one to get changed. I took the two half sovereigns to Knox's to get changed. I came to town on Sunday night. I stopped at David Ramsay's on Sunday night. I had a purse with me; there was nothing in it. That (the purse produced) is the one; there may be a few bits of paper in it—bits of newspaper; it is my business why I put them into it; it was for deviltry; I cannot tell what newspapers they were; I am no scholar; I don't know when I put them in, or where I got them. Old Slavin gave me the purse; he put no money in it. I took the purse to keep money in it—money that I'd earn, or the McKenzie money. I can't tell when I was to get any of it. There was time enough to get my share of the money if I pushed for it. I only asked for a sovereign, and got that; came into town on my own business; can't recollect what the business was; can't say what time I came in; it was not before dark; had no particular business; was in the habit of coming into the city; it is there I lived, and had a home there; I am married; my wife lives at McGouldrick's; did not come in to go there; cannot say where I went first; it may be about eleven o'clock when I got to Ramsey's; was a little hearty when I got there; do not remember more than I tell; cannot tell

how much I drank; I know where the Cathedral is; can't say if I was in that street that night; was not in two houses that night in that street; cannot say if I was in Mrs. Blackwell's; my memory is only middling; cannot say if I was in great confusion the night this unfortunate affair took place; I suppose I was scared; was frightened enough.

I was often in Fredericton. I was there this summer. I cannot say if it was a month previous. Old Slavin was with me. I went up there on my business. I know a widow, Sally Golly, there. I did not tell Slavin she had money. I never heard she had money. She may have money. I swear I did not consult with Slavin, and go up for the purpose of murdering Sally Golly, and getting her money. I did not go up there, and stay there two days, for the express purpose, and come away because we could not carry it out; I went up to see my sister; I was in Sally Golly's on that occasion, and ate dinner there once. I was often in there. While in Fredericton I saw nothing of Slavin; he went about his own business, and I about mine. I met him again before we left there. Came down in the boat with him. Did not tell him when we met at the bush by Mr. Gaynor's that we must leave there, because we could not carry out our purpose.

The witness would not answer any other question on this subject. He would not say he declined to answer; but to the repeated questions of Mr. Wetmore made no answer.

The Solicitor General interfered, and the questions were not pressed.

Went down to McKenzie's on Thursday. Slavin and his son went with me; we went to murder McKenzie. Slavin and his son left there, and I slept with Leet. Had no intention of murdering Leet. Went there on Thursday to commit robbery, and might, only that Leet told us his father and mother were in town, and he was expecting them. I remember distinctly that after McKenzie was murdered, we stayed an hour and a half at the lower house; I have memory enough for that; do not recollect if I was at Mrs. Blackwell's on Sunday night; can't say what the last place I went to before I went to Ramsey's; can't say I know much of Mrs. Blackwell; don't know where she lives. I told you all I did know, and that's all you'll get of me; you may ask what questions you please from this until to-morrow.

To the Judge—I often gave Mrs. Blackwell money, but it was not McKenzie's money I gave her; don't know if I gave her money on Sunday. (Would not say if he gave her gold on Sunday.)

Mr. Wetmore said he had many more questions to put, but he would not occupy time in putting them, as the boy refused to answer. The witness was then remanded.

MR. WETMORE opened the defence. He said it was a most extraordinary event in criminal proceedings, that in a case of this character one or two men convicted of so great a crime should be called as a witness for the Crown, while the other—the father of the prisoner, who, however he neglected his duty as a parent on former occasions, would now be disposed to relieve his child from the penalties of a crime of which he, if Breen spoke truly, was himself mainly guilty—was not. They would produce the elder Slavin on the defence. The crime committed was one so enormous that were they not living within a few miles of the place where it had been committed, they could scarcely believe that anything so inhuman, so dreadful as Breen described, could possibly have been perpetrated. Slavin would come there and tell them that it was not he who had committed the awful murders, as Breen had asserted; but that it was Breen himself who ruthlessly slaughtered all the victims, and pursuing the shrieking children as they fled to and fro, barbarously slew them all. Old Slavin would tell them how it was he had gradually grown regardless of right, and ignorant of his duty to God and man, never entering a place of worship or thinking of religious or moral obligations. He would candidly tell them everything, and it would be for them to say whether they would believe him or Breen, whose mode of giving evidence they had witnessed. Citing the authorities, he said that after producing the evidence for the defence, Mr. Kerr would ask them by this verdict to say that this boy, notwithstanding his age, was not capable of discriminating sufficiently between good and evil, and not accountable for what he did in this case. They would show that he was a simple boy; that his father was an austere man, and that the boy was much in dread of him. Between the boy and his unfortunate father, there was since their arrest no chance of collusion, as they had not seen one another. It was to be regretted that in the position in which he was placed, Breen showed so little signs of repentance; much to be hoped that he may yet be changed for the better, and may obtain from God, who alone could pardon such a crime, forgiveness for his great offence. He said they would show that the boy knew nothing of any intention to commit murder; that he thought they only intended a robbery, and that he was not in either house when the murders were committed, but that in fact, as he in all simplicity of his nature stated at the very first to Capt. Scoullar, he was keeping watch on the road outside, and knew nothing of the murder until he heard the cries. All the evidence, but that of Breen, went to show that the boy knew nothing of the murder. The statement made by the boy when arrested should be held of more value than the statement of Breen, who would not tell the whole truth, and would not tell where he was on Sunday evening, or where the rest of the property of the unfortunate McKenzie was concealed, perhaps lest he should implicate any others. They would show that the boy knew nothing of any intention to murder, and if there had been any concert between the prisoner and the others, it was a concert to commit a robbery, and the Attorney General, if the boy were acquitted on this indictment, could have him indicted for arson, or burglary, or the receiving of stolen goods of which it seemed he was guilty, and if convicted on any of these charges, though his life would not be forfeited, he would be confined for such a number of years as would afford time for his reformation. They did not wish to defeat the ends of justice; if they did, they might yesterday have admitted evidence which the Judge then thought admissible, but which, on reflection, he this morning ruled inadmissible. They only desired for the boy a fair trial. If one link were wanting in the chain of evidence they should not lay their hands on his life, and say that the life God had given him to spend on earth was too long, but

it would be their duty to acquit him. He argued from the conduct of the boy that he was not to be held fully accountable for his conduct on this occasion, and though he could not find words to express his utter horror of the crime: though neither in this land nor any other, had so dreadful a crime been perpetrated, and the annals of crime showed no parallel, yet they should not allow themselves to be influenced by such feelings, but should remember that they were trying this simple boy alone. They would show that Breen had plotted several other robberies; that the young man, Leet, had a narrow escape at their hands, and it was God's mercy that he too was not killed by Breen.

Patrick Slavin, Sen., was then called, and in a few minutes was brought in from the gaol. On his appearance, the excitement of the crowded audience grew intense. The old man wore still the same strange expression of countenance, gazing with a glassy stare at vacancy.

When he was sworn, the Judge warned him that he need answer no question tending to implicate him. He said he understood this, and said to Mr. Wetmore he was disposed to tell the whole truth.

He said—I am father of the boy. He is from fifteen to sixteen years of age. I cannot read. I have not been in the habit of attending public worship; it is more than a few weeks since I was in a place of the kind; I could not say when I was there before; don't know as I have been in such a place half a dozen times in years; have never been in the habit of teaching the boy his prayers; think he knows nothing about them, and never learned them; the boy is not a bad boy; he is of tender feelings; I wish I had as tender. First knew Breen on the railway; left it soon after, and he left about the same time. Recollect being in Fredericton six weeks or two months ago; it was partly Breen who proposed going there; was never there before, and knew no one there; saw a woman there called Sally Golly; went with Breen; we went for no good purpose; we went to rob her if we got any good chance; that was our principal business; Breen suggested it. We talked of murdering her, but did not come to our purpose; I don't doubt if I got the opportunity, I would have put her through; we got one opportunity, but it was risky; we got others, but they were all the same; it was Breen suggested it, and I did not fail him a bit. If we got a good chance, and it was necessary to murder her, she would have a bad chance. Not succeeding, we came back; it was myself was the head and foundation and backsetting of robbing and murdering McKenzie, and he did not fail me any; it was I told him McKenzie was reputed wealthy; he consented to go; it was after we returned from Fredericton we laid the plan; guess it is five weeks ago since we came from Fredericton; we came down by the road, and we were talking of it pretty much all the time; we intended it; I had no intention of any other robbery. Hugh Breen often talked of Squire Sharkey, but not in the way of robbing him; Breen told me Corkery was a man who often carried a great deal of money, and could be robbed; never saw him until the other day; don't know that I would have robbed him.

After returning from Fredericton, Breen stopped at my house. We talked often of robbing McKenzie. I knew Polley well, and we put off the robbery because we did not wish to injure Polley. We knew he was going to leave; if he did not leave I don't know that I would have attempted the robbery. James Golding, Polley's brother-in-law, owed me £5, and was going out of the country with Polley, and I got a capias from Squire Sharkey to catch him when he came down. My wife went up to buy some things of Polley's, and to find out about Golding. Never knew of Leet until I went to the place with Breen; tried to find out when he would leave, because there would be less trouble when he was away, and I did not want to have anything to do with him. Breen was well aware of all this. Breen slept with Leet. He stopped as much to find out when Leet would leave as anything else. Breen heard from Leet that he expected his father and mother there on Thursday night, and it was this helped to prevent our robbing McKenzie on Thursday night; if he was in the way I think I would have killed him against my own will, just because he was in the way; think he would have had a bad chance; did not tell my son anything of my intention to murder. He could not tell what was in my mind; don't know that when going to McKenzie's on Saturday night I asked the others to stand to my back; don't allow I did, as I did not want any one; I was able to do it myself. The boy did not know what was in my mind. When we got to the place, Breen made a fire in the lower house; I was not in when he made it; did not put the fire out, or cause Breen to put it out. My son was there. Breen went for McKenzie; I guess I told him to go; he was willing enough. I had no intention but to take his life. I was standing by the fire, and had my axe; heard them coming; guess my son was in and out; should not wonder but he was in the house at the time; I was in the bed-room; he might be in with me; was not observing him particularly; should not wonder but he might suspect I was about to murder McKenzie; did not tell him in particular.

McKenzie and Breen came down; I walked out of the bed-room, and struck him in the breast; was not in an up stairs room, but one on the same tier; struck him with the poll of the axe; that blow did not kill him exactly; struck him several other blows on the head and the breast, and wherever it was handy. Breen was standing by; my son

might be in the room when I struck McKenzie; he might be within two feet of me; saw him after McKenzie was killed; rather think he came in at that time. We did not stay there long; I searched the pockets of McKenzie; could not find the key; think it fell out, and the boy found it. In about a quarter of an hour we threw the body into the cellar; I could not tell how, but the boy first got hold of the key. Breen and I went up together to the house to kill what was in it, and rob the house; I went in first to the house; Breen showed me the way, for I was never in before; he gave me an axe at the door; he put it in my hand; I did not take up the same axe. There was an axe near the door. There was a bright light; I saw Mrs. McKenzie sitting on a rocking chair, with a child in her arms; when I went in I did not speak, but just struck her on the side of the head by the ear; think the first blow killed her; she struggled in the agonies of death a good deal; think the child was killed in striking at the mother; struck her as many as fifteen blows. The children cried a little; they did not run away, but kept about the mother; I killed the whole of them.

Breen was in and out, in and out. We searched the house, and got about £100 in the safe, all in gold. There was not a dollar in paper money. I ransacked the chest. There was some odd of £100 in gold; it was in a purse altogether. Breen could not get anything out without my seeing it. The purse produced (the long purse) was got there, but the money was not in it, nor in the portemonnaie, but in the yellow cotton purse produced. The way of the boy was knocking about back and forward; took him only to keep watch if any one was coming—nothing else. We took out some victuals, and had something to eat. Breen and I considered it was best to set fire to the houses, so that no one could tell what happened; guess Breen and I set fire to both houses—the lower house first. The boy was about with us at the time, but it was Breen and I in particular who set fire. The boy would do nothing but as I would let him. We did not go away until we were sure it would go. We then went homeward; it is six or seven miles at least. My wife let me in. She might have some idea of what we were going for, but we did not tell her what we were going to do. She would not approve of it. We had some supper; produced the money, and we counted the money.

My wife was by; did not say plainly what I had done; said as much as that we put them through; she did not want to know about it. When I gave her the money she put it aside, away out of the house entirely. Next day heard some of them say Pat had money. Johnny told me he had it. When I asked it of him, he at first rather denied it; thought he might have got it off the table when I was counting it over night; gave back the pocket book to the boy, and the sovereigns in it; think Breen got only three or four sovereigns; he had no paper money; he got the purse I believe a day or two after. He went to town on Sunday afternoon. He had the long steel purse. Breen came into town, and we afterwards went into the woods.

I have three boys (the wretched man's lips seemed to quiver a little); the eldest is about fifteen or sixteen; I think my youngest child has as much sense as he has; he could do no more than take money and throw it about the road. It is as much as a bargain that he knows the difference of right or wrong on some points, or knows the value of money. I am rather too severe; cruelly severe when I begin at him. He could not have known my mind when we went to McKenzie's. If he refused to go I would have made him go; wanted him to keep watch; he knew that when I wanted him to do anything he should do it; he is a tender-hearted boy, and has not as much sense as a boy of his age should have.

From the time of the murder he never looked the same as he did before. I think it was the old woman who told them to take the things away out of the house when they hid them; do not remember telling the boy to go with me when we went to the woods. My firm conviction is that the boy did not know I meant to murder, and that he is not quite capable to discern right from wrong. I know that sentence of death will be pronounced on me, and am quite satisfied to die, let the time be short or long, and with that knowledge I now tell all that I believe to be the truth.

To the Solicitor General.—The boy is fifteen to sixteen years of age; did not send the children to church, and did not teach them any prayers; if he was taught any prayers, it was by his mother; she sometimes taught him.

To Mr. Wetmore.—I never laid out to make my escape; we had time enough if we liked to go, but we never represented properly to escape; think if we tried we could have done so.

To the Solicitor General.—First knew Breen on the railroad. While he lived at my house, my son was there. We were planning the murder of McKenzie from the time of our return from Fredericton; never told him, only he might have heard us talking of it; never told him particularly, as I knew, that when I wanted him to go he should go. He went with us on the Thursday night that Breen slept with Leet. We went that night to commit the robbery if things had suited. He probably knew in his own mind what we went for.—We told him nothing, but he might have heard us talking of it. I am perfect that he had an idea of what we were about; we were about going to murder the concern and rob it. We talked over this betwixt ourselves. My son might have heard "a whid" of it. We did not let him hear the worst of things. On Thursday we left Breen there. My son and I returned together. I don't recollect if I had an axe that day. I rather think I had, and brought it home again. I fetched an axe there once, and brought it home again.—My son and I might have many talks on the way home. I do not recollect what talk we had; he might suspect that we did not accomplish our purpose, because Leet was lumber there in the way; I can't recollect if I told him that. On the Friday Breen came to McKenzie's where we were working. It was understood that we could go on Saturday night, as Leet would then be away. Breen told me this; think Breen slept at my house on Friday night; can't say whether my son heard us talking of going back, but I did not want to allow any one to hear us talking of what we intended; it would not be talked of in presence of my wife, as she would not approve of it. On Saturday evening we went from my house to McKenzie's.—We started pretty much together; on the way, of course, Breen and I talked of what we were going to do; can't say that my son took any part in the conversation, and cannot tell how near he was to us. If he had been let alone I think he would as soon stay at home. He did not refuse to go.

McKenzie expected that Breen and his wife were to go to live in his small house. Breen went forward first and kindled a fire. I kept out of sight, and I rather think my son did not show himself either. I did not allow him; we were standing behind the house; Breen came for us, and I went in; I cannot say if my son went in; I did not pay him much attention. There was a good light, and I should not wonder but I told Breen there was too much light, and told him to toss it up, and he did, and made less light. I went into the room to be out of the way. I did not feel or see my son go into the room with me. I can't say if he was with me in the room at the time, as I was not thinking of him. I don't think I closed the door. I had an axe in my hand. The axe was in the house. I think Breen gave it to me. Breen went of his own election for McKenzie. I knew he was going for him—he told me. They came down and came into the house. They were talking with their backs to the fire; they were talking about Breen's wife. I rather think when I came out that I said she was on hand, and then struck. I might have said dead dogs tell no tales, but I think I did not. After I struck McKenzie, I saw my son on the floor, but I think he came in from outside at that time; we searched his pockets; there was nothing in them I could find. The boy gave me the key. I rather think that in the tumbling over the key fell out. I did not know what key it was.—Neither of us knew. I found no money in his pockets. I put my hand in every pocket, because it was said he always carried £100 to £150 about him. I have no doubt but my boy might have put his hands in his pocket. I did not feel any weakness. I might have felt a little through another. We threw the body into the cellar; it remained there until we came back from the upper house; it might be about two hours; I did not speak to my son at all; gave him no directions. Breen and I went pretty much together into the upper house. Breen showed me the way. I rather think he stood back. We opened an inside door before we saw Mrs. McKenzie. The front door was opened. We opened a door leading into a room. Breen stopped at the door. Mrs. McKenzie and Breen talked a few words about his wife coming before I went in; I made some remark to that; I don't remember what; there were four children round her; there was a fire in the fire-place; Breen and my son then came in; they could not do anything; they were not fit to do anything; they were so through one another and frightened; one was as bad as another; I searched the house myself.—There was not much blood. The boy looked at the clock while I searched the iron chest. The key fitted it. While we were going up, the conversation between Breen and me was about killing the woman and children. I did not tell Breen to watch and kill any one who came along; I gave no directions to my son; my son could not do it even if I told him; he told me so after; when I saw how they acted, I told them after that I saw neither of them was of any use, or was fit for anything of the kind, and says I, I have it all on me, and do neither of you ever put your hand to anything of the like of it; there was no paper money, not even a dollar. The chest was full of books and papers; I threw them all out on the floor; I expect they were burned. We went out, and stayed out some time, and returned again, and searched every place where we thought money could be, as we thought there must be more money; we found no more; we then went to the lower house; I put fire plenty in the bed. My son might have put fire in the bed, but there was no occasion; I went down myself and got the body of McKenzie up on the floor. Breen put his hand to one of the arms and helped it up. Breen took some straw up with him to the upper house. I went into the upper house and got a candle that was lighting there. The straw was put at the door, and a lot of firewood was piled upon it. I set fire to it myself.

The children were all about the fire-place, around their mother. When I came back to the house from the fields, I heard something like moans. I suspected what it was. I am sure they were all dead before the house was set fire to. My son did not, to my knowledge, put any fire to the straw. I should not wonder but my son was on the street somewhere about when we set fire to it. Breen helped me.

Breen brought away some butter; we had a carpet-bag and some bundles; all the traps were not very heavy; we all helped to carry them.

When we came home I did not notice whether Johnny got up. It was not more than twelve or one when we got home; my wife said neither aye nor no to us; asked us no questions; she might have had an opinion where we were going that evening. I never told her about it, for she never approved of such things. I did not tell her where I had been. I said I had put things through.

To a Juror.—She might have formed her own opinion. I made the remark because it was the readiest at the time.

When I gave my wife the money she hid it; she did not get it that night; it was on the table, and any of the family might have taken some; I knew it would not be lost; I gave Patrick the pocket-book; there was nothing in it when I gave it to him; when he gave it to me on Sunday there was nothing in it.

The boy would disobey me when he got his own liberty, he would be his own master, but I would not allow him. I sent him part of a year to school. He hired out and worked about; he was good to work; he worked on the railroad. I think the youngest boy, James, has as much wisdom and knowledge as Patrick; I suppose Patrick did not know the error of what I was doing at McKenzie's. I suppose, of course, he knew I was doing wrong; but I know he would not do it, and could not be got to do it. I thought it was foolish of him to throw the money about the road; I showed the money myself the night before. I don't think he is as wise, or has the same ideas as some boys of his age.

Though we went into the woods we did not conceal ourselves much, and I never had much idea of going away. If we had any idea of it we might have been three hundred miles away. If we determined to clear, we could have cleared in spite of fate: we had time enough. We may have talked of going but we never made up our mind to it. When Breen and I were in the house with Leet on the Thursday night, my son came in. We did not speak much to one another. I did not speak to him as my son.

To Mr. Wetmore.—I saw him fumbling rather about McKenzie, and he might have put his hand in his pockets. I shouldn't wonder but he put his hands in his pockets. Never told any one but Breen what I meant to do. I am just as well satisfied I did not escape, after having killed all of them. I would never have done any good after making such a wreck, and I am satisfied I would have gone on and done worse. If I had known the error of every thing before as well as I do, I would have been clear of it. I am just as well satisfied to die. It would be impossible to describe what horror pervaded the audience while he gave this evidence in a strong clear voice.

George Thomas was employed attending to the ironing of the prisoners. The prisoner at the bar has a foolish kind of laugh and smile that seemed strange. I tried to impress on him the awful nature of the position he is in. The boy has no education, says he was never at church. He tried to say the Lord's prayer, but he made a jumble of it, so that it was nothing. When first I ironed him, he cried to break his heart, but since I saw no serious impression on him. One time he said to me, "Why, they won't kill me—I did not

wrong." The morning he first came to Court he said, "Well, it can't be helped, but only for my father I would not be in this trouble, he made me go." He also said on four or five different occasions, that if he had known they were going to kill people, he would never have gone with them. I asked him why, when he found they were doing such acts, he did not run away. He seemed to signify that his father would not approve of that. He said his father sometimes flogged him very severely. He seemed quite the reverse from being a sharp, shrewd fellow. He is no idiot, but I think he is none of the shrewdest. I don't think there is any foolishness about him. Boys in the country are in general very ignorant and awkward. I don't know whether the laugh was put on.

To the Solicitor General.—The boy is very ignorant, and knows nothing of his soul.

To Mr. Kerr.—The laugh shows an ignorant vacancy of mind. It seems a habit.

FRIDAY.

Mr. KERR addressed the Jury on behalf of the prisoner. He asked them as men, as fathers, to attend to what he, in discharge of the duty assigned him by the Court, had to say before them in behalf of this friendless child. He knew when undertaking this case that there were four offences—murder, arson, robbery, and the receiving of stolen goods; but the only charge on which the prisoner was now on his trial was for the murder of Robert McKenzie. Were the first the only count in the indictment, the prisoner must be acquitted, as it charged that Breen killed McKenzie. To make the prisoner accountable it should appear that, as the indictment set out, that the boy had acted with malicious aforethought and premeditation. One thing was evident from the whole evidence that the boy took no part in the killing. The man Breen, whom he would not desire to disparage, now at the close of life, but who naturally felt hatred towards the Slavins, who, he thought, brought him into that position, had stated that the boy took no part in the murder; and from Breen they had got but half the evidence, for they saw that in a little time the demons gleamed out from every feature of the unfortunate man. The evidence of the father in the last testimony he should ever give until he appeared before his God, was that the boy took no part in the murder. One thing may appear horrible to them, that after these murders were perpetrated, the boy should have sought for food and have eaten. But they should remember what boys are; how strong with them are the cravings of appetite, and that this boy had had no dinner, and had walked nine miles. The learned Counsel dwelt with much effect on the extraordinary course followed in bringing up Breen as a witness for the Crown. This law of evidence appeared to suit this case, and this man was allowed to make an explanation of his own case, but the poor boy at the bar had no privilege, but was led dumb to the slaughter. If he could speak he would tell them, as he had told Mr. Thomas, that he did not know what they went to do, and that when he knew what they had done, his heart grew faint and his knees trembled and he grew sick, and then afraid and unable to go away he crouched after his father. Except that he picked up the key there was not an iota of evidence to fix this boy with any act; that he did anything or aided in anything, and this was of little importance, as it appeared that far from looking for the key they did not know its value when they got it. He argued that there was no evidence of pre-concert on the part of the prisoner. He besought of the Jury to reflect how a man who so coolly detailed all the particulars of that horrid massacre, committed by him, would train a boy like this, and he asserted that the boy following his father, was in fact little more than as a dog. He implored of them to try this case by no educated standard. The law holds that an infant under fourteen years is not accountable for any crime, as it holds that he is not CAPAX DOLI—capable of cunning malice; but it was held that if capacity for crime were proved in an infant under fourteen years, he should be held accountable and executed. Then, surely, if it were shown that a boy over fourteen was more ignorant and simple than most boys under fourteen, he should be held incapable of crime. He described the conduct of the prisoners when arraigned, and argued that the conduct of the boy then, as well as his vacant laugh in prison, his display of money on the road, throwing a sovereign to the witness Hill, proved that the boy was simple, incapable of distinguishing sufficiently between right and wrong, ignorant of the value of money, and not the person to form any concert to commit this crime. The real and only proper test in this case was this—was the boy of sufficient capacity when his father ordered him to accompany him on that occasion to refuse and say, "It is wrong; you are about to do what is wrong, and if you go I will inform Justice Hawks; that is what religion and the law requires I should do." That was the true standard. He had the commands and training of his wicked father on the one hand and no instruction or knowledge of his duty on the other. What would he expect of his own children, even with all the instruction he could give them, if he commanded them to join him in doing wrong. Would his children, would their children rebel?

Was the charge of malice aforethought made out? Was there mature judgment and an unrestrained will? Was there on the boy's part any previous concert? The evidence in this case would ever be before them. Let them ask themselves whether they could hereafter feel satisfied in their consciences for sending this boy to execution on the evidence before them. The learned Counsel referred to the case of the boy Carroll (Bergen?) hanged for stealing, and the feelings respecting his execution that have since prevailed in the community. In that instance, as in this, the boy was known to be weak of intellect. With much power, and at great length, he prayed the Jury to have mercy on this poor boy, and on his mother—about to be a widow. It was theirs to feel and show mercy in this case.

The Attorney General said he had been called on to prosecute almost every crime known to the law; murder, arson, rape, and all the others, but the crime in this case presented a scene entirely unparalleled in the annals of justice, and he never entertained such feelings before. From the information laid before him, he was almost appalled, and he approached the case with the determination to do all in his power that justice may be done. He agreed with the Solicitor General that they should try this case strictly according to law and the evidence. Had the Counsel for the prisoner been employed to defend the richest nabob, they could not have displayed more zeal. He would say, never mind what may be said here or elsewhere; try this case according to the evidence. He observed that the Jury had intensely marked all the evidence, and he was satisfied the case was tried most impartially. Put the conduct of the boy in the hottest crucible; subject it to the most severe tests, and if, in this vast desert of crime, there is one little oasis, give the boy the benefit of it. It was with great pain that they had called Breen; but they felt that the scenes enacted at Mispick would disgrace the most barbaric land in the most barbarous age, and it was their duty to do what would serve the ends of justice. They did not know what might have passed in the minds of any one, and if any doubt passed over the mind of any Jurymen, they felt that it was right to him to have that doubt removed, and to satisfy every man of the guilt of the prisoner. In tenderness to the father they selected Breen as their witness. It was rightly observed by his learned friend, that the Crown has no malice; no feelings. No matter what their feelings as men. Any man, he supposed, would shudder at having before him the investigation into such horrible circumstances.

From this multitude of crimes they selected the greatest known to the law, and believing the prisoner guilty, they thought it their duty to prove him guilty, if possible. Their only object was to vindicate the law of the land. At the opening they thought they could make out the case three ways: by evidence of facts; by the confession of the prisoners, and by surrounding circumstances. The murder, the burning, the robbery, all were thrown together in one dark catalogue of crime, and every one was appalled at the moral turpitude of the men, and astonished that monsters capable of such crimes were prowling about this country. A thrill of horror at these appalling crimes had passed through the country, and men were terrified to think that such fiends existed, and were in our midst. They now knew that murder was committed; they now knew who committed it, and how it was done. A man on the stand as witness in a small debt case could not be more cool than was old Slavin, when narrating the facts of this case. They could mark how the hand of Providence was visible in the discovery of the criminals. They must be amazed to think that the presence of the poor children could afford no protection to the mother. The evidence impressed on him the conviction that the boy was of a most diabolical nature, and was not fit to be let loose on this country. Look at his conduct before the act, during its perpetration and after. Unless the boy knew beforehand that some diabolical deed was to be done, he would never have acted as he had done.

The evidence of Leet showed that the boy was prowling about the place for days, and Breen told them that the boy knew all about it. They saw that, though the father corroborated Breen's evidence in every important particular, he showed a disposition to screen the boy, and the boy had capacity enough to try in his story to screen himself and his father. He knew also that Breen was called Williams. He commented on the conduct of the boy when Leet saw him on the road and in the house, showing that the boy knew what was going on, and knew how to play his part, and when Robinson saw him, taking to the woods. Did not all this show that the boy knew they were planning something, and had capacity to take share in it. To say that a boy who could act in this way, and who, after the family were slaughtered, and while the bodies were lying about bleeding, could go in and eat bread and drink milk, had no complicity in what was done, would be to insult the jury. Johnny Slavin stated that they all said when they started on Saturday that they were going to Black River, and old Slavin himself said he couldn't say but the boy knew what they were going to do. The boy told Scoullar he thought they were going to rob, that he stopped on the hill, and that the whole thing was done by Breen. Here was a two-fold proof of his capacity and complicity; he strove by this to free himself and his father. Breen said the boy was in the house while the murder was committed, and took the key out of McKenzie's pocket; old Slavin did not contradict this, but said he thought the boy found the key on the floor. They both stated also that the boy was at the upper house while the woman and children were murdered. He came in after, and looked at the clock, and very coolly told them what o'clock it was. And in the lower house Breen says it was he who put the candle to the straw. It was said he was under the duress of his father. That could not exculpate him; but look at his conduct after the transaction—his flying with the others under consciousness of his guilt. The story the boy told the witness Hill was a very important circumstance as a test of the boy's capacity. All these things tend to show the kind of disposition with which the boy was mixed up in the matter, and whether the boy was imbecile as was asserted. The flight of the boy at the time of the arrest of the party was no proof of imbecility. What was said of the harshness of his father had nothing to do with the case.

The facts of the murder and burning were all proved; the only question was, what part the boy took. It did seem to him that there was such a concurrence of circumstances proving the complicity of the boy, that he could not escape from it. This plea of insanity or imbecility had become very fashionable in cases of high crimes lately. After a prisoner had lain some time in gaol, a sympathy grew up in his behalf, and many persons conversing with him became convinced of his insanity or imbecility, and were glad to be able to account in such a way for the commission of such an enormous crime. Several of the witnesses wished to make out that the boy was of weak intellect, but none of them would say he was a fool or idiot. But in a case of this kind, where the boy was at least sixteen years of age, they should have stronger evidence than any they had heard, before they determined to acquit the prisoner in such a case. The learned Counsel had talked of sympathy: he (Attorney-General) had as much sympathy as most men, but his sympathy was drowned in the blood of that poor woman, swallowed up in the groans of McKenzie, and if any was left it was destroyed by the shrieks of those poor children. He had talked of mercy. Stern justice would in this case be mercy to the country. What mercy was there, when without a moment the father, mother, and children were hurried before the living God!

This was a case standing out from all others, and he was so strongly impressed with the conviction that all the parties were so interwoven in one mesh of iniquity, that he felt it his duty to impress the facts on them, and ask them to deal in this case with the stubborn, awful facts, with stern, impartial justice. Next to themselves and the Judge, the two men on whom most devolved the responsibility in this case were himself and his colleagues; and he was determined from the first that on the Jury, and them only, should devolve the whole of the awful responsibility in this case, and they now stood between the living and the dead. The learned Counsel had talked of Christianity. In this case everything was so repellant to every principle of Christianity, that it left him divested of any feelings but those of an officer of the Crown, seeking the vindication of the laws of the land. The learned Counsel had talked of mercy. Mercy may be sometimes displaced. If in this vast wilderness of crime, there was any beacon light, let the boy get the benefit of it; but let them investigate the evidence only according to the strict, stern requirements of justice. They were the sentinels on the watch towers of the constitution, and they had to guard the lives of the people of the country. He had had his own feelings on Capital Punishment, but they had been greatly changed by these events, which had shaken his mind to its greatest depth; and for the two prisoners who had pleaded guilty, there was no chance of escaping the vengeance of the law—of the other he would now say nothing; but the enormity of this fearful crime, the well-being of the country, the safety of the women and children who live alone, all require that the law should be carried out, and he believed that this was the only means of protecting the public. This case stood out in bold relief from all others, hideous in its enormity, and would be spoken of for many generations. For himself, he felt relieved that the agony was nearly over, and that he would be freed from the intense anxiety he had felt, and he now, on behalf of the country, asked them to judge of this case according to the strict, stern, impartial requirements of the law, between whose offended majesty and the prisoner at the bar, they now held the balance.

The learned Judge (Parker) then charged the Jury. While reading the evidence, he was deeply affected, and for some time scarcely able to utter a word, while the tears ran down his cheeks.

After the Jury had retired, the Judge ordered the prisoner to be remanded, and the other two prisoners to be brought in.

SENTENCE OF THE PRISONERS.

Sentence of Death on Hugh Breen and Patrick Slavin Sen.

The Court was now densely crowded in every part, and so intense and breathless was the excitement that a pin might be heard fall.

The Attorney General having prayed judgment, the prisoners were severally asked if they had anything to say why sentence of death should not be passed on them.

Breen said nothing. Slavin only said—"I'm satisfied."

The Judge then said—Hugh Breen and Patrick Slavin, although you have pleaded guilty on two separate indictments, the evidence and your own statements show that your offence was one, and warrants me in addressing you together. On your own solemn confession you stand convicted murderers. (Here Breen said, "Yes, Sir.") You deliberately planned and perpetrated this murder under the most atrocious circumstances—that have filled every one with feelings of horror and alarm, so that, because of your conduct, many persons are afraid to pursue their usual avocations. You killed this man, his wife, and four little children for the sake of possessing yourselves of the means he had acquired by his honest labor for the support of his family; and now you stand as a terror and warning to all evil-minded persons, who desire to take by force the property of their neighbors. I hardly know what to say to you under such circumstances. You yourselves seem to be sensible of the awful position in which you stand. I can only entreat you to ask mercy of your God who alone can pardon you. You have time, though this was not granted to your wretched victims: make good use of that time: send for the minister of your religion; address yourselves to your Lord in heartfelt earnest prayer, and may He through the precious merits of his Son grant you pardon. It only remains now for me to pronounce the awful sentence of the law for your diabolical crimes. The Judge then (addressing each by name) pronounced the sentence of the law:—That you be taken hence to the place from whence you came, and thence on Friday the 11th day of December, to the place of execution, and that there you be hanged by the neck until you are dead, and may the Lord have mercy on your souls.

The prisoners were then remanded. They preserved the same firm demeanor they had exhibited throughout.

Patrick Slavin, Jr., Found Guilty.

The Jury soon after came into Court and returned a verdict of guilty against Patrick Slavin, Jr., but with a recommendation to mercy. The Court then adjourned.

POSTSCRIPT.

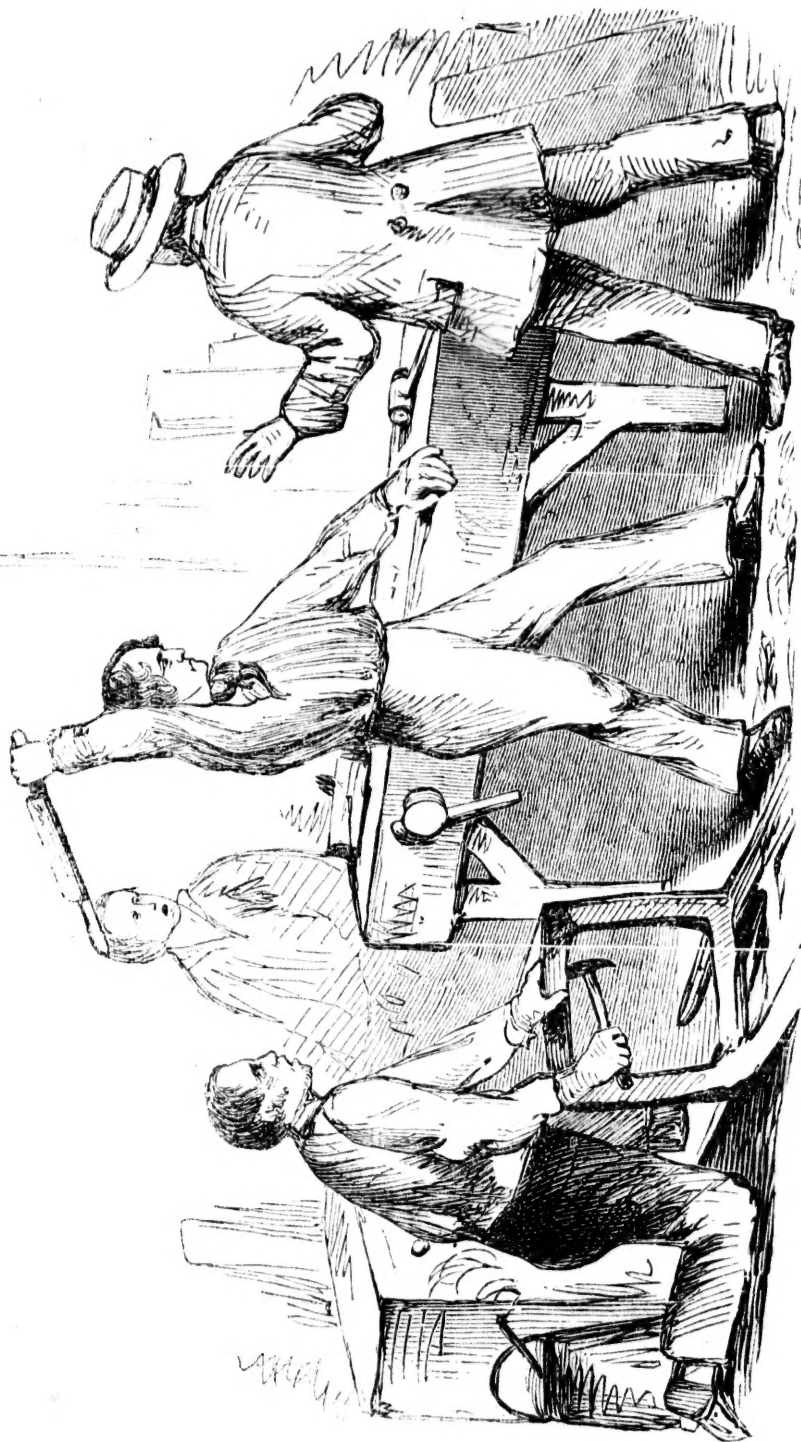
Sentence of Patrick Slavin, Jr.

On Friday at 2 o'clock, Patrick Slavin, Jr., having been brought into Court, and the Solicitor General having moved that sentence be passed, his Honor, Judge Parker, addressed the prisoner. He said:—

Patrick Slavin, you stand in as dreadful a position as any man can stand, and I hope you will therefore attend to what I now say to you. You were charged with having aided your father and Hugh Breen in the murder of Robert McKenzie, and after a most patient and attentive consideration of your case, after all that able counsel could do in your behalf, a most respectable and intelligent Jury have found you guilty. There never was a verdict received with more approbation, for the evidence was such as to bring conviction to every man that you were guilty. The Jury taking into account your age, your want of education, the bad example of your father, and the fact that you might have been in some degree under coercion, and influenced by a dread of his severity, have recommended you to mercy. There can be no doubt that you knew what the intentions of your accomplices were. When Breen went up for McKenzie, when your father waited in that dark room with the axe in his hand, and you were with him, you must have known what his intentions were; and when McKenzie came to the house, and was struck down before he could utter one prayer for mercy, what was your conduct? You did not interpose to save him; you did not attempt to alarm him, or ask that he may be spared, nor did you, when the deed was done, fly in terror, or show in any way that you had not expected it, but you hovered round and searched the body for plunder. What was your conduct after? Keen for the work, to use the expression of Breen, you went with them to the other house and looked on while, with another axe, your father killed that poor woman, and then with a brutality unparalleled, struck down the little children. I do not know if there is recorded any case so horrible, so brutal as this. Yet you looked on it all. When you returned to the house again you heard the moans of the wretched victims, yet you assisted your father in searching the house for the plunder you sought. And what was your conduct after your return home? While your father narrated to your mother and your little brothers, the horrible deeds he had committed, you coolly enquired what part of the clothes of the murdered man you could appropriate to your own use.

All this fully proves that if your conduct has not been as black and dark as that of the two principals in this crime, it has been black and dark enough, and leads to the question if at the age of sixteen you were as capable of so great a crime, what will you be ten years hence, should your life be spared; and were it not that the two others convicted of the same crime seem even more guilty than you, it is probable that you would pay the extreme penalty of the law. But as the demands of justice would seem to be satisfied in this case by the death of the two greater criminals, I have not thought it inconsistent with my duty to recommend to Her Majesty's representative that the mercy prayed for by the Jury be extended to you, and I can now give you hope that your life will be spared; but I can hold out no hope that you will again be let loose on the community, although it is not for me to say what your penitence and years of good conduct may effect. The clemency of the country will always be granted to the deserving. The learned Judge then exhorted the prisoner to a sincere and heartfelt repentance and an earnest effort to amend. He had already, while in gaol, received some instructions—let him hearken to instruction and profit by it. The story he told Mr. Scoullar, and the cunning with which he strove to relieve his father and throw the weight of guilt on Breen, showed that he did not lack intelligence, and he would now get the opportunity of amending, if he chose. While in the Penitentiary he would meet with many entering on the paths of crime. These he should warn of the evils of such a course, and he should by his whole conduct and demeanor prove his sorrow for his crime, and his gratitude for the mercy shown him. The learned Judge then pronounced sentence, *pro forma*, that the prisoner be executed on the fourth of March next.

The prisoner, who, during the whole time kept his arms folded and seemed perfectly unmoved, was then removed to gaol.



MURDER OF ROBERT MCKENZIE.